DOCUMENT RESUME

ED 328 193 HE 024 254

TITLE	To Hold in Trust.
INSTITUTION	Association of Catholic Colleges and Universities, Washington, D.C.
REPORT NO	ISBN-1-55833-060-7
PUB DATE	91
NOTE	47p.
AVAILABLE FROM	Association of Catholic Colleges and Universities, Suite 650, One DuPont Circle, Washington, DC 20036 ($5.00 each, 1-9 copies; $4.50 each, 10 or more copies).
PUB TYPE	Collected Works - Serials (022)
JOURNAL CIT	Current Issues in Catholic Higher Education; v11 n2 Win 1991
EDRS PRICE	MF01/PC02 Plus Postage.
DESCRIPTORS	Administrative Organization; *Board Administrator Relationship; *Catholic Schools; *Church Related Colleges; College Administration; *College Governing Councils; Governance; Higher Education; Private Colleges; *Private Financial Support; Theological Education; *Trustees; Universities
IDENTIFIERS	Sponsors

ABSTRACT

This journal issue explores trusteeship and the role of trustees in governance of Catholic universities. It includes papers with the following titles and authors: "Trustees and Sponsors of Catholic Higher Education: What Should They Be Talking about Together?" (Thomas J. Savage); "Changes in Governance of Catholic Colleges and Universities: Some Practical Observations" (Melanie DiPietro); "The Relationship between Trustees and Sponsoring Religious Congregations" (Richard V. Warner); "Reflections of a Lay Trustee" (Margaret M. Healy); "The Role of the Young Trustee" (Nancy M. Haegel); "Sponsors and Directors: An Important Conversation" (Robert E. Gibbons); "Sponsorship" (Theodore Drahmann); and "The Relationship between an Institution's Trustees and Its Sponsoring Religious Community" (Isabelle Keiss). The final paper, "Apostolic Constitution of the Supreme Pontiff" (John Paul II), outlines the identity and mission of a Catholic university, its mission of service, general norms, and transitional norms. An appendix contains an author index for "Current Issues in Catholic Higher Education" from volume 6, number 2 to volume 11, number 1. (JDD)

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Current Issues in Catholic Higher Education

To Hold In Trust

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HE024254

Volume 11 Number 2
Winter 1991

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Colleges and Universities

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TABLE OF CONTENTS

Introduction
Alice Gallin, OSU 3

Trustees and Sponsors of Catholic Higher Education: What Should They be Talking About Together?
Thomas J. Savage, SJ 5

Changes in Governance of Catholic Colleges and Universities: Some Practical Observations
Melanie DiPietro, SC 8

The Relationship Between Trustees and Sponsoring Religious Congregations
Richard V. Warner, CSC 14

Reflections of a Lay Trustee
Margaret M. Healy 17

The Role of the Young Trustee
Nancy M. Haegel 19

Sponsors and Directors: An Important Conversation
Robert E. Gibbons 23

Sponsorship
Theodore Drahmann, FSC 26

The Relationship Between an Institution's Trustees and Its Sponsoring Religious Community
Isabelle Keiss, RSM 28

Apostolic Constitution of the Supreme Pontiff
John Paul II 31

APPENDIX

Author Index, *Current Issues in Catholic Higher Education* (Volumes 6,2 - 11,1) 43

Introduction

There is a certain beauty to the concept of holding something in trust. We all like to be trustworthy and we all appreciate being trusted. To violate one's trust is never condoned although it may be forgiven, and one of the highest human acts is to place our trust in God and in one another. Even the coins of our nation recall this fact to us. So, when we present some essays on the subject of trusteeship in Catholic higher education we do so within this context of the ordinary understanding of the word *trust* as well as within the context of certain legal and moral realities.

American higher education has developed this concept of trusteeship far more than any other country. Although some early European universities had provision for lay (meaning non-academic) groups that were responsible for university governance (see Marian Gade and Clark Kerr, *The Guardians*, pp. 17-19), these persons ordinarily represented civil or church authority. The same was true for early American institutions like Harvard and William and Mary, but it was not long before the supervision was entrusted to a different kind of group. Lay boards of trustees might still have predominantly clerical or state appointed members, but the nature of the board was to become a separate and civil corporation.

Catholic colleges and universities have followed a similar evolution. While founded by religious communities of men or women or by diocesan bishops, our current 230 institutions have tended toward increasing lay participation in the governance structures and, for the most part, now operate with a completely independent boards of trustees. Generally speaking, these boards have one-third to one-half members who belong to the sponsoring or founding religious community; sometimes this proportion is written into the by-laws and at other times it is by mutual understanding. In addition, about 20 or 25 percent of the college boards have a second tier to the board or what is often called a board of members. (These figures are based on a study done by Martin Stamm of the University of Pennsylvania in 1978 and may well have changed a decade later). In both models the trusteeship is shared according to the by-laws of the college or university.

Many will remember the circumstances in the 1960's and 70's which led to a realignment of power and responsibility within our institutions. From the vantage point of 1990 we may uncover mistakes of judgment and ignorance of canonical opinions. Now that we have survived tests of accrediting agencies and standards for federal and state funding, we may think that unnecessary concessions were made to the colleges by their sponsoring associations. Ambiguity about authority in the matter of selecting a president or of altering the mission of the institution might have caused some unnecessary conflicts. Transfers of property made at that time have led to some complicated situations today, such as cases where the land belongs to the religious community and the buildings which were erected with government funds are on land that belongs to the college. Times of financial restraint such as we are facing today can make the generous arrangements of an earlier time seem unrealistic and even unjust.

Our purpose in designing this issue of our journal was to assist in the exploration of options by presenting a variety of models. We invited articles from trustees, from members of sponsoring religious communities, and from a legal expert. Some of our authors wear two or three of the above hats. Our question to them all was: "What do you as trustee or as sponsoring group expect of sponsoring groups or trustees?" Since the way that we function on a board depends to a large extent on the expectations that we have or that others have of us, this seemed to us to be a good place to begin our discussion.

It is a timely topic since the apostolic constitution on Catholic universities, *Ex Corde Ecclesiae*, speaks explicitly of trustees and of their role in governance, affirming that the primary responsibility for the Catholic identity of the institution belongs to those who govern it, although all who participate in the life of the college or university also bear a share of this responsibility.

It is also timely because some members of religious communities are rethinking their relationship to institutional apostolates and are seeking for new ways to influence their schools, colleges, or hospitals. The revised Code of Canon Law (1983) provides a new mechanism whereby lay persons or religious can estab-

lish apostolic works, i.e. the provision for private juridic persons. Religious communities are faced, as we all know, with increasing numbers of elderly religious to support and fewer young, active members to contribute to that need. There are, on the other hand, some renewed commitments to the ministry of higher education by other religious communities and, in some cases, a reentry into the work force by religious who had left the field of education for other ministries. Today we have a far better ecclesiology concerning the essential role of lay persons in our church. By and large, they will be the ones to carry on the work of our colleges and universities into the 21st century. We speak, therefore, not so much of sponsors and lay trustees as distinct entities but rather as partners in the work of holding these institutions in trust for coming generations.

The words *to hold in trust*, then, should focus our attention on those for whom we hold our institutions in trust. I would suggest that all of us who share in the important work of trusteeship must see ourselves as responsible to our present faculties and administrators (protecting their academic freedom and institutional autonomy), to our students (providing an education that hands on the best of our tradition and excites them to new questions about the world they live in), to society at large (playing a significant role as an institution within civic, national, and international communities and educating those who will be called to exercise good citizenship), and finally to the church of whose tradition we are a part (being places where that tradition is alive and well and within which all other questions are brought into dialogue with the richness of Catholic thought).

Trusteeship and sponsorship have, of course, many other dimensions. We present only a few viewpoints while hoping to stimulate further sharing of ideas and experiences. To facilitate such exchange on this and on other topics, *Current Issues in Catholic Higher Education* will begin in the next number a column for opinions from our readers. We hope you will make use of it.

Alice Gallin, OSU
Executive Director

Trustees and Sponsors of Catholic Higher Education: What Should They be Talking About Together?

Thomas J. Savage, SJ

Members of the boards of trustees or directors of the nation's Catholic colleges and universities sometimes focus their attention on the religious character of the institution they govern and on the nature of the board's relationship to the religious community of women or men who founded, sponsor, and most often work in the institution. Members of religious communities or congregations also sometimes examine the nature of their relationship to the institutions with which they have an historical association. On occasion, trustees and sponsors discuss their mutual relationships, expectations, and responsibilities together. What do they talk about in these various discussions? What should they discuss?

I will suggest three responses to these questions. First, I present a sample of the dialogues among trustees and sponsors that I have heard in a variety of places around the country. Second, I will suggest some basic facts and assumptions to help us understand the current conversation. Third, I will recommend a direction these conversations might take in the future.

DIALOGUES

I. On the East Coast, in the boardroom of a Catholic college.

Chairman of the advancement committee: The study submitted by our consultants concludes that the college enjoys a very fine reputation in the community and that Father Smith's leadership as president is highly respected. All those interviewed believe that Father Smith must continue to play the lead role if the campaign is to be successful. At the same time they are also concerned about Father Smith's eventual replacement.

Another board member: If I remember correctly, Father Smith, you are 70 this year. The college needs you and we want you to continue for a long time to come. But I wonder if we should have some succession planning.

Father Smith: I am enjoying good health, thank God, and I look forward to the campaign. But I think the board should be free to discuss all these matters candidly.

Chairman of the board: I don't think we really need to be concerned with a presidential search now. Our focus should be on the campaign. I am sure that the religious community and the provincial will have some good candidates in the future when we need them.

II. At a general chapter of a Midwestern congregation of women religious.

President of the congregation: I am happy to announce that the following policy has been formally adopted by this general chapter:

We affirm our belief that institutions in the Catholic tradition are places where we can share faith and life, create justice and peace, and influence society positively and actively. As an expression of this belief, our congregation sponsors some institutions. We demonstrate this sponsorship in the following ways:

A. We legally own and publicly identify with the institutions.
B. We structure on-going dialogue between the institutions and the congregation to assure that the mission and goals of both are congruent.
C. We ensure that members of the congregation are part of the management, faculty, or staff if possible; at least one sister must be a member of the governing body of each institution.
D. We take responsibility for the on-going education of board members and other appropriate persons in the values and charism of the congregation.
E. We convene periodic meetings among administrators, boards, sponsorship persons, and members of the congregation to address sponsorship responsibilities.
F. We expect the institutions to remain financially independent.

III. At a community meeting of men religious who are working at a college sponsored by their religious order.

Father Savage is president of Rockhurst College, MO.

Local superior: Among the problems we expect a new provincial to face, the following has been suggested: he will have to implement plans for a transition in our educational institutions from province-sponsored schools to church-related, lay-controlled, independent schools operating within our distinctive tradition. Are there any objections to this suggestion?

Others at the meeting: (No objections are voiced.)

Superior: Hearing none, then I shall include this recommendation in our report.

IV. On the West Coast, the president of a Catholic university is talking with several trustees.

President: One goal I think we should have is to prepare the board and the institutions for the likelihood that my successor will be a layperson.

A trustee: But, Father, that is being defeatist.

President: I'm just trying to be realistic. It could also be a very good thing for the university.

Another trustee: It will mean that the board must take a new look at how it shares responsibility for the university's mission.

FACTS AND ASSUMPTIONS

I. People care about the issues that link trustees with sponsors.

I assume that trustees and sponsors care about the nature of their relationship to each other and to the college or university they serve. Evidence abounds. Twenty years after the separate incorporation movement swept through Catholic higher education, the Jesuits, Vincentians, Benedictines, Dominicans, Franciscans, and many other religious communities have renewed discussion within their communities and with college and university board members about their mutual responsibilities for the mission, leadership, and direction of their institutions. The development of publications, videos, workshops, formal programs, by-laws, committee assignments, and staff positions all related to the religious identity of Catholic sponsored colleges attest to the renewed interest.

II. The issues are defined, however in many different ways.

I assume sponsorship means different things to different people. (In some cases it may mean nothing at all.) Some colleges and congregations are just beginning to think about the religious community's role as sponsor *per se* and about the implications of that role for the board of trustees' understanding of its responsibilities. In other places, there are written documents to help clarify the relationship between trustees and sponsors and formal orientation programs aimed at putting the concepts into practice. Some colleges and universities are beyond sponsorship and may not reflect the language of sponsorship in any official structures or policies. In these cases the board is clearly in charge while the religious body makes no corporate attempt to influence the policy or practice of the school. Even in these settings, however, the trustees and members of the religious community often care about continuing their relationship with each other.

III. Issues of trusteeship and sponsorship are often not the most important items on the agenda of the college or the congregation.

I assume that the degree of significance attached to the conversations about trusteeship and sponsorship differs from place to place, group to group. In some college board rooms, there is considerable discussion about the board's responsibility for the religious character of the institution and how the board relates to the local religious community or larger congregational body. For other institutions, the relationship is routine, normalized in both by-laws and behavior. In still other settings, the relationship may be perfunctory or relegated to the bottom of the priority list.

IV. There is no single model of trustee-sponsor relationships to fit all Catholic colleges and universities.

Points one through three above suggest a great diversity of views and practices concerning trusteeship and sponsorship. There is no one concept, structure, or approach that fits all situations. Local history, the influence of particular traditions and needs, flexibility, inaction, or the inability to respond to changing circumstances help to explain some of the variety that we see in the governance of Catholic colleges and universities. The Jesuit schools illustrate this variety. For example, while all 28 Jesuit founded or sponsored colleges and universities share a common tradition, their distinctive histories have created different ways in which the Jesuit character of the institution is developed at the board level. In two-thirds of the Jesuit colleges and universities, the institution is separately incorporated from the Jesuit community. Seven Jesuit institutions have a two-tier system, including a board of trustees and a board of members. These boards of members, usually composed only of Jesuits, delegate most of their responsibilities to their respective boards of trustees but remain the legal owners of their schools. But the majority of the Jesuit colleges and universities are entirely separate from the religious community in terms of corporate structure. Perhaps it will come as a surprise to some readers to learn that six Jesuit higher education institutions do not require any of their trustees to be Jesuits while others require a certain number or a certain percentage of their trustees to be Jesuits. Variety in governance structure is the norm here.

DIRECTIONS FOR THE FUTURE OF GOVERNANCE

Much of the above describes current circumstances.

What lies ahead? I cannot predict, but I would like to suggest six directions which the conversation between board members and sponsors might take for the next few years.

I. Don't avoid the issue.

Some trustees feel that discussions of the religious character of the institution should be left up to members of the religious community. Some presidents feel frustrated by seemingly unproductive conversations about the institution's religious identity or by attempts by one or another constituency to lose perspective on the issue. Some leaders and members of religious congregations have given up on institutional apostolates or feel they no longer have control or even influence within the institution. Such attitudes need to be faced and countered with a positive articulation of the role Catholic higher education has played and can continue to play in church and society.

II. Remember that the institution serves many public purposes.

Since the founding of Georgetown in 1789, the genius of American Catholic higher education has been its ability to avoid being merely sectarian. While the goal has not been fully realized in every generation, certainly today the aim of every Catholic college and university is to serve the community, broadly defined, and to respond to the concerns of a whole range of constituencies. A vision of service that includes many public purposes should not be considered a threat to an institution's religious identity.

III. The leaders of religious congregations still must learn to think and act strategically.

A comprehensive study of religious orders now underway is confirming that many leaders of religious communities do not have a strategic or goal focus. They may think in terms of values and respond personally or pastorally to people or issues. However, too often they focus on maintenance and do not have a sense of the direction in which their congregation might develop. These leaders need to learn to work systematically with the trustees of colleges and universities to ensure an effective relationship between the religious community and the congregation.

IV. Focus on specific institutional issues not abstract concepts.

The Catholic identity of colleges and universities has little meaning in the abstract. Trustees listen with a mixture of deference and skepticism to elusive discussions of religious identity and presence. The conversation improves when trustees ask questions about how religious identity affects policies on curriculum, student services, community service, personnel, athletics, and campus ministry. Further, trustees should work with the college administration to ensure permanent funding for programs that will strengthen and support the institution's religious identity.

V. Trustees, congregational leaders, and local church officials need to understand each other's governance structure and practice.

Colleges and their boards, the sponsoring religious communities, and dioceses all have distinctive patterns of governance with specific rights and responsibilities. To assure an effective and ongoing relationship between trustees, sponsors and other religious leaders, each of these groups needs to learn about how the others carry out their duties.

VI. Don't overstate the role of the board or the sponsor.

Trustees and sponsors should share one feature: a certain modesty about their role. For most issues and most of the time, they are only a small source of the leadership, action, and influence in an institution of higher education. Faculty, students, and staff constitute much of the action. Trustees and sponsors would do well to recall and live out the words of the Chinese philosopher Lao Tzu:

> The highest type of ruler is one of whose existence the people are barely aware. Next comes one whom they love and praise. Next comes one whom they fear. Next comes one whom they despise and defy.

Trustees and sponsors: Talk together, work together, and remember, you are probably the most effective in strengthening the religious character of your college or university when the members of the academic community say we did it ourselves.

Changes in Governance of Catholic Colleges and Universities: Some Practical Observations

Melanie DiPietro, SC

In the next few years, many Catholic colleges and universities may consider a revision of their governance structures, either to clarify their relationship to their founding congregation or to affiliate with another institution. Cumulatively, the way in which each institution analyzes and develops its governance structure will have an influence on whether a significant number of institutions continue to exist with a distinct, Catholic identity. The task of modernizing governance structures calls for vision, creativity, and straightforwardness of purpose by all of the parties.

A significant challenge to the church community is not merely that it modernize the governance structures of Catholic colleges and universities. The real challenge is that it be done in a way that reflects the values of the motivating tradition: through a dialogue characterized by objective analysis and respectful negotiations as well as by an openness to alternatives that respect the founders, the history, and the future task of the institutions in question.

This article is not intended to offer guidelines for the Catholic institution to pursue its "irreplaceable task" and to perform "future achievements" requiring "courageous creativity and rigorous fidelity." How that task will be fulfilled will probably be more dependent on the degree of creativity and fidelity mutually shared by the specific academic community and the teaching authority of the church than on mere governance structures.

The limited scope of this article is to focus on the process and the range of structural choices which must be made in changing governance. Such transactions usually involve the interests of two entities, a founding congregation and the educational institution. Both entities have a common interest in the educational mission, but each also may have different perspectives and separate interests and concerns. Well designed structures are needed to accommodate valid interests of all parties.

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Structures do not achieve a mission, but good people in well designed structures exercise judgment and direct resources to achieve the mission. Without access to capital, a proper structural vehicle, and a Catholic corporate culture, no good person or groups of good persons can effect the mission in Catholic education. The following practical observations on the process and choices involved in structural changes are offered from a lawyer's perspective.

A lawyer's duty is to examine the consequences of the transfer of assets and the redistribution of governance authority in relationship to the client's goals. Obviously, stating the goal is the critical function. In the initial identification of the client's goal, there are two subtle and interesting questions that I suspect may not be given the same answer by congregations, trustees, and college presidents—the key players in any transaction. First, who has the right to define the controlling objective of the reorganization? Do founding congregations have any greater right than the institution's president or influential trustees to decide the criteria to be used in designing the new governance model? Secondly, is a Catholic identity or a linkage to the church inherently threatening to institutional autonomy and academic freedom? If there is such a threat, what is the source of the threat?

How are specific governance structures related to a perceived threat? Are congregational members or clergy, placed in governance in a college, perceived to be less sensitive to institutional autonomy and academic freedom than Catholic or non-Catholic trustees? Is the source of the perceived threat in the identity of trustees or in the legal identity of the institution? If there is a threat, is it addressed by structures? Or, is it created or removed by the vision and judgements controlling the dialogue between the institution's decision makers and the hierarchy of the church? Is it influenced by both structures and the dialogue?

Both civil and canon law give a great deal of latitude to the educational institution in maintaining a religious affiliation while operating with a "high degree of independence and autonomy." Ironically, the real limitations on creativity and flexibility of new gover-

nance structures may be found in forces internal to the colleges and universities, the founding congregations, and the church.

It is my observation that the potential for avoiding harmful internal limiting influences will be aided if congregational members, trustees, and presidents seek clear objectives as well as clear terminology, and if they give careful advance consideration to the attitudes and assumptions that may influence their judgements.

CLEAR OBJECTIVES

My experience suggests that often objectives are not clearly stated by congregational leaders, trustees, and executive officers. Rarely is there any initial educational process for these groups that surfaces and forces the articulation of the range of shared goals and objectives. Sometimes the objectives are not only inexact but also contradictory. Some of these differences are fundamental as illustrated by the following examples: First, is an educational mission commitment to the poor or to women the same as the general research and educational goal of higher education? Should it be an explicit mission? Is it necessarily implied in a general mission statement? Does such a mission have a different legal significance for trustees and for donors if it is explicit or implied?

Second, is the continued presence of congregational members significant and essential to the educational process and to the actual governing functions of a board? Is this presence necessary to perpetuate an identity of the institution? Is significant congregational presence perceived as a threat to the fund raising function of the board or to the expeditious decision making of a board or even to the autonomy of the educational institution?

Third, what is the essential objective: preservation of the institution, preservation of Catholic identity, or preservation of a congregational identity? Are they necessarily one objective or are they different? Are all dimensions of the objective of equal importance?

The reasonableness of a structure, the preference of one structure over another, should be determined by a reference to the goals of the client. My experience suggests that the absence of explicit clarity among the parties around some of these objectives has at least two significant and potentially negative influences on the negotiation processes and designs of new governance structures.

Decisions in the above matters are sometimes made by individual trustees, executive officers, or congregation members, individually or collectively, without full deliberation and scrutiny by all concerned parties. The congregation may adopt immovable positions based on incomplete information, insufficient creativity of consultants, or limited vision. Trustees and presidents, possibly influenced by business and social relationships and with similarly limited information, perceptions, and vision may adopt equally fixed positions.

Further, the long term institutional presence of Catholic higher education in the future may be lost. Instead of devoting energy to the strategic management of resources in order to create a corporate design reflective of an ecclesiology and also effective in the academic community, energy will be spent on the advancement of personal issues and biases among the parties.

The significance of the differences of goals and objectives among the parties becomes evident in the conflict that sometimes develops when one presents specific governance structures, especially if one moves beyond a superficial paper analysis and examines the structure's potential in different scenarios.

Assume that the parties agree that, because of history, the congregation has a right to present the criteria for a new governance structure. Assume further that the norms of *Ex Corde Ecclesiae* stating that the institutions have "some link, formal, constitutive, statutory or institutional commitment" give guidance to interpreting the objectives. Given such assumptions, the parties need to examine the legal structures both by these norms and by the requirements of civil law. The principal criterion is not the good faith of individuals; it is structural. Will the structure provide the accountability in the future when the individuals in charge are no longer those with a sharp remembrance of the foundation? What then will give legal protections for the specific dedication of the assets? Will there be mechanisms to enforce accountability or redirection of the assets to their intended purpose if future facts show a diversion? Who will have the requisite legal standing to ask the questions, determine and evaluate the facts, and enforce a remedy? These are questions a lawyer must present to a client if the goal is to secure a specific dedication of assets to a specific purpose and identity.

The parties must be equally committed to the same stated objectives and, therefore, to the relevance of the legal questions used to measure the structure in its relationship to those objectives. Otherwise, the legal analysis becomes divisive instead of directive.

CLEAR TERMINOLOGY

Several terms are often used in popular discussions and writings concerning the governance of Catholic colleges that do not appear to have a commonly accepted or authoritative meaning. Often in negotiations, some of these terms become labels which are used more for intimidation than for elucidation. All parties, though, need maximum analytical creativity to design a governance model appropriate to their particular circumstances and to the norms of academia.

"Independent, autonomous college," "juridical rela-

tionship," and "moral and spiritual influence" are terms that need to be defined, especially for trustees without experience in academia or in the church. Some of these words are directly relevant to the legal analysis of a governing structure. Some have little or only indirect relevance to a structure. None is relevant without common definitions. The parties should also recognize, where appropriate, that some terms may have legally authoritative guidelines for their interpretation while others have no such guidelines.

"INDEPENDENT, AUTONOMOUS COLLEGE"

An autonomous institution is governed by its own internal law. A review of the United States Supreme Court cases which contain some specific references to the governing structures of church-related colleges is helpful to determine significant perimeters for a colleges seeking to be independent while remaining church-related. In the context of first amendment analysis, the Supreme Court recognized that in some college structures, there were church representative holding governing authority in the college corporation, such as the power to approve bylaw changes or approve financial transactions. Such facts alone do not necessarily or automatically threaten the institution's potential for independent or autonomous status. As a matter of fact, the Court noted that the colleges, even with such structural representation, are capable of being "characterized by a high degree of institutional autonomy." Therefore, if the parties look for legal guidance when using the terms "independent" and "autonomous" in relationship to the design of legal structures for a church-related college, these cases offer some guidance. The factual records of these cases support the conclusion that an institution can retain its potential for independence and autonomy even if it has, in internal governing positions, persons from the religious body with which the college identifies. It is also possible to retain some exclusive governance authority for such persons in the college structures. It appears that the more significant criteria are the rooting of the authority and the control of the governance of the institution in the articles and bylaws which govern it.

The Court has focused on the predominance of the institution's aim to educate according to the norms of academic freedom. Ultimately, the autonomous character of the institution is found in a factual analysis of the standards influencing such board decisions as hiring, admissions, and standards of professional educational inquiry, not primarily or solely in its structure of governance.

While the structure is relevant to the potential for maintaining the independence of the institution, the critical emphasis should be on tracing all decisional authority in the institution to corporate, not ecclesiastical, sources. Persons who govern the institution must be cognizant of the professional norms specific to academia and to the standards relevant to their institutional identity and mission. Those norms and goals should be the frame of reference for their internal decision making.

Once the parties differentiate between the functions of governance structure and the norms of decision making and admit to the potential for independence and autonomy, even when an institution is related to a religious entity, the goal of an independent college is more easily attained. No balanced structure is inherently suspect when considering the single criterion of independence; whether it be a membership (two-tier) or non-member (one-tier) model; whether powers are unified or divided; whether it requires a numerical proportion of persons from the congregation; or whether the board members are appointed or self-perpetuating. Factors both internal and external to the institution may influence the preference for one model or another. Other factors may jeopardize the existence of institutional autonomy.

"JURIDICAL RELATIONSHIP" TO THE CHURCH

Often , the phrase "juridical relationship" to the church is interpreted as implying that such a relationship is problematic. This author knows of no authoritative definition or structural requisites, canonical or civil, of the term "juridical relationship" that gives guidance on this term as criterion for governance structures.

Article II of the General Norms of *Ex Corde Ecclesiae* suggests an expansive potential for governance options. The link with the church may be "a formal, constitutive and statutory bond or by reason of an institutional commitment made by those responsible for it." The institution through its structures and regulations is to guarantee the expression and the preservation of this Catholic identity.

It is possible that two factual situations may be the source of the understanding that persons have when they use the phrase "juridical relationship" in the context of the relationship between an institution and a church entity. The first situation may permit control in some significant institutional governance issue by an outside congregational or church representative using his/her authority rooted in ecclesiastical law. The second may permit structures inside the college or university corporation to include ex-officio positions for church-related persons. However, in this instance their authority in the corporation would be defined by articles and bylaws, not by ecclesiastical law.

The first situation may be problematic because it mixes ecclesiastical authority with corporate civil authority. As a result, the objectives, interests, and

norms controlling decisions may be fixed in a forum outside the board which has civil authority for the governance of the institution. For example, some college bylaws provide that the congregation has the authority to appoint a president. Some very old bylaws give an outside authority, such as the bishop, the power to approve corporate actions. It should be noted that some state laws allow an "other body" to be identified in the articles and bylaws and to have governing authority in the corporation. There is not then,in some states, or even by the case law cited above, something inherently and legally inappropriate in this structure alternative. However, such structures do not appear to be appropriate to the norms of academia or to efficient management. Further, the "other body" may also be a source of legal and management conflict within a corporation, to the detriment of both the corporation and the congregation. However, the point is that from a strictly legal perspective, authority in an "other body" may be permissible in some state statutes. This needs to be described for the integrity of the analysis of potential options for governance. The parties, because of norms common to academia or other valid considerations, may reject such an alternative.

Therefore, even when allowed be state and case law, if "juridical relationship" in an academic structure means the exercise of authority by an outside body which is rooted in ecclesiastical, not civil, law, and decisions concerning internal matters are not made by those with legal authority to make them, such a relationship may be inappropriate.

However, if "juridical relationship" is limited to address the second factual situation (i.e., appropriate ex-officio structures and governance defined by a corporation's documents within the perimeters of state and case law), then it appears that "juridical relationship" may not necessarily be problematic. It has the potential to be consistent with the factual situation of an independent college which is identified in the case law cited above.

From a civil perspective, there is no inherent threat in the second definition, if the structure has appropriate balance. The general norms of *Ex Corde Ecclesiae* appear to be compatible with the maintenance of independence and autonomy at least from a limited structural perspective. Note, this author, for analytical purposes, separates purely structural questions from the theological questions that may develop in the continuing relationship with the church. Those continuing issues are beyond the scope of these observations.

"MORAL AND SPIRITUAL INFLUENCE"

"Moral and spiritual influence" are not terms that are especially helpful to a legal analysis of governance structure. As a practical matter, only those persons who have a position in a governance structure can exercise a moral and spiritual influence over the management of capital and the preservation of mission and identity in a corporation. If all trustees are bound by the identity of the corporation and by its purposes as set forth in its articles and bylaws, then all have an equivalent obligation for moral and spiritual influence appropriate to the college's identity. The criteria may invite a deliberate examination and planning for the institution's decision making process and mandated continuing education for trustees. It may even lead to a concern for the maintenance of a critical mass of persons in governance who have experience in the institution's tradition. Such criteria, however, are not directive for a comparative evaluation of structures and are especially unhelpful when argued as a substitute for structure.

CONSIDERATION OF ATTITUDES

The above observations concern external issues—the statement of a goal or the use of terms. Agreement on an external statement does not always signify an underlying consensus of the parties.

John Dewey once said that "bare facts alone do not coerce belief." Often, alternatives are accepted or rejected, not on the logic of the analysis supporting the alternatives, but on the beliefs, emotional positions and biases, recognized or unrecognized, of the decision makers.

It is often the unstated beliefs and the disparity of beliefs and assumptions among the parties that determine the development of a structure's successful design and implementation. It is helpful to consider what influence beliefs or attitudes may have in the process of designing new governance structures.

First, what are the underlying beliefs among the parties about the rights, relationships and roles of congregational members and trustees on the future governance of the institution?

Hopefully, the design of a corporate structure in a Catholic college is related to a perception of church as found in the Vatican II documents such as *Lumen Gentium, Gaudium et Spes,* and *Apostolicam Actuositatem* and *Perfectae Cariatis.*

The principles of these documents clearly set forth a vision of the church in the world and express an appreciation for the pluralism of modern society. In the context of participation in the service mission of the church, there is an affirmative disposition to the sharing of substantive governing authority with the laity, whose authority for service rests in baptism. This theological goal, however, does not justify the failure to plan carefully and strategically for the perpetuity of the religious tradition of the institution. Nor does it justify the failure to analyze the legal and equitable concerns of the congregation in the transfer of assets to a corporation or the transfer of governing authority over those assets. Such attentiveness is usually pre-

sumed by a fiduciary responsible for trust assets. However, there is sometimes the attitude that congregations are too controlling if they are not predisposed to give all assets or transfer all governing authority without negotiating some secure governing positions in future structures or some legal protection for the dedication of the assets.

This attitude is evidenced by expressions of surprise that the congregation would be so pragmatic or so "distrusting" as to want legally enforceable documents in lieu of affirmations of good will. Such expressions are not only misplaced but may undermine the quality of analysis and the creation of trust among the parties that is necessary to create future structures and to accommodate the legitimate interests of the congregation as well as the future needs of the institution.

Second, what beliefs of the parties influence their objectivity in examining all structural options for the transfer of assests and governance?

Many institutions were founded by congregations which acted as human endowments. Assets of the congregation were used for and conveyed to the institution, which was often not legally separate. When separately incorporated, institutional governance was not necessarily differentiated from congregational government. Often rare books and art treasures were given to congregations directly. Congregations then housed them in the institutions without careful cataloging.

As the two interrelated organizations became distinct legally and operationally, many serious and complex legal and equitable issues surfaced which involve various principles of civil and canon law.

A resolution of these issues which facilitates the autonomous operation of the institution and accommodates the legal and equitable rights of the congregation requires maximum latitude for using a variety of instruments. Among these are transfers in trust, restrictive transfers, leases, contracts, and such diverse corporate models as dual governing boards, single governing boards, reserved powers, and the like. The value of any of these alternatives can only be determined in a fact-specific analysis. None of them has a universally appropriate application. The various legal, business, and cultural circumstances surrounding each institution and congregation preclude the preferability of any one structure. Local facts, not preconceived notions, should direct the analysis.

Third, are objective standards being used by administration, congregation and trustees when they review the range of structural alternatives in governance to provide for continued education and socialization in Catholic principles and values relevant to the governance of the institution?

Sometimes the necessity to modernize governance structures predates an institution's consideration of what makes up its identity. Congregations have little experience in formalizing an empirical formula setting forth the essence of the tradition to be perpetuated. Catholic identity, in the context of academic and corporate management, may be just as elusive to Catholic and to non-Catholic trustees.

Is there not a need to address this issue, especially when the institution declares a specific religious identity and simultaneously embraces pluralistic governance?

Do parties perceive the necessity to plan a structure for ensuring the continuing presence of a critical mass of governors who know the tradition of the congregation and the religious identity of the institution?

Historically, those colleges which were founded to address such specific populations as women, various urban groups, or the underprepared student maintained their purpose despite difficult circumstances because the individuals who operated the institutions shared the same value formation. When such a system is separated legally from college governance, what alternative mechanism in the institution will replace it and provide for the education process necessary to give meaning to a statement of the college's purpose and identity? Perhaps the fundamental question of whether every congregational tradition is transferrable needs to be asked. The issue is this: if there is something to preserve in a system which is in transition, should there be heightened sensitivity to designing some mechanism for continuing that which is worth preserving?

It is possible that too little attention has been given to this issue. Interesting to note is the disinclination to design mechanisms for continuity and socialization in such a value sensitive area as higher education with a religious affiliation. The following example illustrates the attention given to the relationship of governance structures in order to provide continuity and socialization of values across generations of trustees, especially when a certain program goal, philosophy, or value is at stake.

In one private, non-church related, nonprofit corporation, the incorporators adopted a membership model (two-tier) for the corporation and retained the power to appoint trustees. The founders were a group of psychologists, physicians, and treatment specialists who believed in their modality of treatment and whose record supported the success of their philosophy and modality. In this instance, there was a reasoned analysis for not adopting a self-perpetuating board. They recognized the possibility that trustees might be selected because of their value as fund raisers or because of their social connections without necessarily having a commitment to the founders' specific philosophy and modality of treatment. Future trustees who might be insensitive to the philosophy of the corporation might be inclined to follow the path of federal funding which might jeopardize the modality

of treatment which the members believe effective. Whether or not the two-tier corporate structure is the only mechanism to advance their objective may be debated. The point is simply this: Should some attention be given to this question? Are structures relevant to this objective? If structures are relevant, is each one being evaluated on its merits?

Fourth, should it be assumed that current trustees who successfully raise money for the institution should have proportionate power to govern with no accountability to other persons or entities?

Such an assumption seems to be inappropriate for a public, charitable corporation. Trustees are stewards not proprietors. Deductible donations are gifts not a quid pro quo for the exercise of power. A trustee, individually, has no legal authority. The board is to operate as a collective; one person, one vote, with board decisions being made on the basis of information appropriately provided by a college's administration and given to all board members. The short-sighted attitude that a trustee's influence is related to his/her contribution, could wreak havoc on a board and undermine the integrity and the identity of the college. Such a philosophy would support the practice of admissions policies being dictated by the development office. If such a practice is inappropriate for admissions, it is certainly inappropriate for governance. Such an attitude is potentially disruptive in the context of Catholic institutions because it pays too little attention to the historical mission of the institution and the contributions of a variety of constituents that need to be balanced to preserve the institution's rich heritage.

CONCLUSION

One writer has suggested that academicians are suspicious of non-academicians in governance of colleges and universities. Perhaps, non-academicians deserve some suspicion. Hopefully, these observations will invite a mutual readiness on the part of all the parties in the institution—congregations, church related officials, trustees, and administrators—so that they will turn declarative sentences into questions and suspend their beliefs in order to be open to the best alternatives. The role of Catholic institutions in enriching pluralism in higher education in the United States requires no less.

The Relationship Between Trustees and Sponsoring Religious Congregations

Richard V. Warner, CSC

An important, and often critical, area of concern for colleges and universities and for religious congregations is the relationship between an institution's trustees and the sponsoring religious community. The issue takes on significantly greater importance with the passing of time, for a number of reasons. While it is difficult to generalize about this matter because of the wide variety of approaches to institutional governance taken by different religious communities, it is important to describe the context out of which all these structures evolved.

After a brief review of some of the changing circumstances which exacerbate the difficulties some institutions face in this regard, I would like to propose a model which might be more applicable to the existing situations at many Catholic colleges and universities.

Many of the current written statements of expectations guiding the relationships between the religious congregations and the institutions were written 25 or more years ago. At that time, religious life was beginning a difficult process of adaptation to the spirit and the direction of the Second Vatican Council. Larger institutions were growing and becoming more complex while smaller colleges previously dedicated to the preparation of religious for community apostolates opened enrollment to lay persons as well. Coeducation was becoming prevalent, and some religious congregations began to address the need to merge institutions for a number of diverse reasons.

Collaboration among all the different persons constituting a church which had developed a renewed understanding of itself as the people of God, whether clerics, religious or lay, was promoted in the context of institutional service understood more and more as ministry. National and international discussions about the nature of a Catholic institution of higher education that would be both faithful to its Catholicity and to the norms of academic life in the United Sates were crucial to new understandings and sometimes to the very definitions of the institutions themselves.

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Before this time, governance for these institutions was largely derived from the structures of religious authority within the congregations. Provincial or general superiors appointed the religious who served as presidents of the colleges and universities, and often the members of the provincial or general councils served as the board of trustees. In a setting where the same persons were often both sponsors and trustees, questions of mutual responsibility did not arise. The participation of lay persons was limited to an advisory role, with a special emphasis on their ability and responsibility to provide financial expertise and contributions to religious administrators.

In the United States, the debate over the responsibility of the government to provide some financial support to private and especially church-related institutions was underway. Many Catholic institutions were increasingly taking on the nature of public trusts because of the growing demands for large amounts of financial support required form all sources. Government grants to private institutions of higher education raised some questions as to whether or not an explicit reference to the Catholic character of an institution would impede procurement of these needed monies.

Among some groups of religious, questions were also being raised about the appropriateness of large numbers of religious serving within an institutional framework in the face of growing apostolic needs and opportunities for direct service to the poor in the cities and in what were formerly mission territories. Some calls were raised urging religious congregations to leave institutional commitments. The effects of what would become a steady stream of departures from priesthood and religious life were already beginning to be felt among congregations which only ten years before had reached unprecedented levels of growth in membership, in the number of apostolic commitments made, and in constant requests from bishops throughout the land for the presence of religious in educational institutions.

The separately incorporated boards which were established in this context were comprised of lay and religious members. The board, rather than a group of

individuals representing and derived from the founding religious congregation, held the institution "in trust."

The lay persons asked to participate on these boards often were chosen from among the graduates of the institutions and brought to their task a special fondness for individual members of the religious congregation and for the institution itself.

Legal alienation of the institutions was not commonplace, although it did take place with the approval of the Holy See at the University of Notre Dame. Often separate yet parallel structures were created which placed a council or board comprised entirely, or in its majority, of religious with final authority to appoint trustees and to confirm or veto decisions above a more numerous group of trustees which operated well within a framework of limited responsibility. This remains a general pattern of governance.

Today the majority of the Catholic institutions appear to have clearly determined their specific mission and their role or place within the educational community. The atmosphere of mutual respect between trustees and congregations continues.

Nevertheless, it is legitimate and a matter of some urgency to raise questions which arise out of the context of circumstances which already or in the near future may well jeopardize existing arrangements by limiting their effectiveness.

How effective and viable are current governance documents given the state of religious life today and the influence a decreasing number of religious can have on the life of an institution? What are the effective ways in which lay and religious trustees can hold "in trust" an institution which derives its central identity from its Catholic character and its relationship to the church? What are reasonable expectations on the part of trustees towards the sponsoring religious congregation and vice versa?

Many leaders of religious congregations have spoken clearly and legitimately about the positive effects the renewal of religious life has brought about in the United States. Constitutions and basic governing documents are inspired by changes which needed to occur and which stress the evangelical basis for vowed religious life and for both the community life and the ministry which flow from founding charisms. A diversity in ministries has enabled congregations to meet the changing needs of the church, especially among the poor. Structures within religious institutions are much more collaborative and inclusive in nature. Religious life in what were formerly mission areas, especially in Africa and Asia, is thriving, and the number of people in formation is encouraging. Also, religious men and women are clearly better prepared for their ministry today than at any previous time in recent history.

Nevertheless, the aging of religious in this country continues, as does the severe decline in the number of vocations to religious life and priesthood. And these two factors are slowly but surely influencing the questions under discussion here.

How does a religious congregation exercise influence within a complex educational setting with a dwindling number of academics, administrators, and personnel available for service in crucial areas of student life? While religious today are in a better position than ever before to describe in meaningful terms their charisms and the gift their congregations represent for the church and for specific institutions, attempts to transmit these values effectively to others who are not religious or to institutionalize them in convincing ways do not seem viable, especially for the long term.

The question here is not whether lay persons appreciate or understand an institutions's or a congregation's charism, or whether they are as generous as individual religious in service of the institution within this framework. Rather, the problem arises from the simple reality that charism by its very nature is most effective when people see and appreciate its value personified in men and women who dedicate their lives in public witness and service to the values derived from it. Heritage days and displays can never adequately replace a respected religious professor, campus minister, or administrator.

To speak of "traditions of education" which respect the facts surrounding the founding of the institution and the source of its vitality for generations does not hold much promise either if, in the end, the reference is only a historical footnote. Often the most generous alumni and alumnae are those whose lives were changed not so much by a tradition but rather by a person who embodied the values which make up the tradition.

The establishment of a "mission" office or the appointment of a religious or lay officer to carry out this function is often a parallel structure to the central administration of an institution with no line authority and with relatively little effective influence on day to day operations or the development and implementation of policies.

The lessons from history seem clear. It is highly doubtful that larger institutions will preserve and develop their Catholic character without an important, appropriate, and determinative role for and by the founding religious congregation. Such a role must be derived from the current circumstances and the best future hopes of both the institution and the sponsoring religious community. And it must be carried out in close collaboration with lay persons, many of whom are partners in the ministry.

In the case of smaller colleges, the same general concern seems applicable but within the context of additional worries about financial viability and the chang-

ing pools from which applicants are attracted.

The declining numbers of active religious and the sparse number of men and women entering religious life in the United States today raise two additional concerns.

As the number of active religious continues to drop, the pool from which religious who are both qualified and available to serve on boards as representatives of the sponsoring congregation is also reduced. At the very least, the possibility of turnover and 'new blood' is severely limited, especially if attempts are made to avoid having religious with appointments within the institution serve on the governing board as well.

Secondly, the number of lay persons significantly influenced by religious within Catholic institutions will also decrease in the years that lie ahead. How this will affect the close bonds which generally unite lay persons and religious who both serve as trustees and whose paths have often crossed within the same institution is debatable. At the very least, however, it seems fair to say that a common understanding and appreciation for the Catholic heritage and character of the institution will not be as present in the future as it has been in the past. Dialogue among persons with diverse backgrounds is enriching, but it is also particularly beneficial for an institution when strong persons representing a common heritage are parties to the discussion. What legitimate expectations can be placed on a sponsoring religious congregation which does not and may well not have sufficient personnel to exert legitimate influence on the course of its growth and development?

Today when it is most important to have qualified trustees prepared to preserve, promote, and develop the special character of Catholic institutions carrying out their missions within a secular culture, congregations generally have the fewest resources available.

One possible model which might address some of these questions while protecting the essential characters of institutions is a bicameral function within a board of trustees. Such a model exists at the University of Notre Dame where the Congregation of Holy Cross is in a relatively strong position from the perspective of religious assigned to all aspects of the life of the institution.

The bylaws of the university provide for 12 fellows and up to 50 trustees including the fellows.

The Fellows of the University of Notre Dame is a self perpetuating body composed of six priests of the Congregation of Holy Cross and six lay persons. These 12 men and women have the power and authority granted to the founding group and their successors. The fellows also serve as trustees of the university and meet once a year. It is this group which holds "in trust" the essential character and purpose of the institution.

Their responsibilities include the election (and removal) of trustees, amendment of the bylaws of the institution by a two thirds vote, the promotion and protection of the Catholic character of the institution as its essential character, and the conduction of the institution in such a way as to make full use of the talents and dedication of the Holy Cross religious. Four areas of special and traditional service of religious include "the vital role of the priest-professor, administrative and academic roles including the presidency, responsibility for the pastoral ministry to students and faculty, and participation in the residential life of the student."

A *Statement of Mutual Commitments* between the congregation and the university addresses the four traditional functions of the religious in terms of the Catholic character of the institution and with specific commitments on the part of each group.

The trustees, eight of whom are religious, meet three times each year and hold all power not specifically reserved, as stated above, to the fellows.

A bicameral model such as the one described promotes the unity of all trustees, religious and lay, who carry out normal trustee responsibilities and function at the central core of the institution, while respecting and appreciating the special role of the twelve trustees who have additional responsibility for the essential character of the university.

For a sponsoring religious congregation, such an arrangement can bring together the congregation and the trustees in a context of respect for the founding charism. It offers the religious community appropriate access to positions within the institution on a continuing basis. The trustees, whether religious or lay, hold the institution "in trust" for the purposes for which it was founded, and in the last analysis, for the church, at whose explicit call the sponsoring religious community founded the work as a ministry of service and continues it as such over the course of time.

Finally, a bicameral arrangement may well offer full participation in the work of trusteeship to all members without oversight or "interference" by an "outside" group, while at the same time providing the desired protection for the essential character of the institution, derived from the congregation's charism. Such a model might prove a useful option while we await whatever future developments might affect religious life in the United States, including new forms of evangelical commitment not presently available or imagined.

Reflections of a Lay Trustee

Margaret M. Healy

During the last 21 years, I have been a trustee of seven different Catholic colleges and universities, including one seminary. I accepted the invitations in all cases because I knew the president and/or some of the trustees, and I knew and admired something about the educational mission of the institution. But I accepted the invitations also because I have had the benefit of a Catholic college education. I continue to value that education, and I wish to repay some of the debt I owe to the dedicated teachers and administrators, religious and lay, whose knowledge, insight and personal lives shaped my deepest commitments and helped me set the purposes which shaped my life's direction and activities.

While an undergraduate in the mid-1950's, I was a "serious student" who enjoyed my studies and was somewhat successful at them. I had discovered "the intellectual life" and embraced it with passion. I was also a "serious Catholic," trying to understand what it meant to be a member of the church at that time. Through the people I met at college and in the intercollegiate organizations to which I belonged (the National Federation of Catholic College Students and the Young Christian Students), I encountered a view of the church which convinced me of the importance of lay people and their work in spreading the good news. In those days, we read and discussed the theologians whose thought—though suspect at the time—shaped the developments of Vatican II, and we studied the church's social teachings through encyclicals and through the lives of Christians dedicated to reforming the neighborhoods and institutions where they lived and worked. We plumbed the implications of Pius XII's *Mystici Corporis* for the insights it gave us on the church and the obligations of membership in it.

In my own experience, to understand myself as part of the Body of Christ was to come of age as a lay person in the church. I had to choose whether I would assume my responsibility in the work of building up Christ's body and of witnessing to the spirit which animated the church. It did not make sense to talk of living my individual life as though I did not have a vital connection to all members of the body from which I drew my support and some direction for my choices. In doing the work which was mine, I had to use as my guidelines both my individual abilities and penchants and the needs of the church in my time. I chose higher education as my workplace, because my conviction that the intellectual life is a special way of living out the Gospel—and I have worked in and for Catholic colleges and universities because of their potential for educating young people in the commitments of that life: the commitment to search for the truth, to respect it wherever it is found, to shun the quick and easy solution, and to follow its demands in action on behalf of all God's people, wherever one may find oneself.

I thus come to my work as a trustee believing in the missions of Catholic colleges and universities and wishing to help them be fulfilled. I expect that those who invite me to join their boards invite me to be true partners in this joint endeavor. At the level of the board of trustees, it is no more the responsibility of the sponsoring religious community or of the religious or lay trustees to do this than it is the other's. Lay trustees, in my experience, accept trusteeship because they think the institution is doing a good job of educating students, they have some level of confidence in the administration, and they think they have something to bring to the work of the board and the challenges facing the institution. Most of us have studied the bylaws and the guidebooks published by the Association of Governing Boards and know that in becoming trustees we are assuming, along with our religious colleagues, certain responsibilities to see that the institution is what it is supposed to be, even if we are not yet clear what the implications of those responsibilities are. We know that the institution has been chartered by a state for a given purpose and that our work must ensure that the institution continues to exist to achieve that purpose. We are aware that students and parents choose the institution because of what it promises in programs and activities and environment, and we work to see that the resources necessary to deliver these are available, even when we will have to raise them ourselves. We are aware that the institution's history and commitments are integrally entwined with the history and presence of the spon-

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soring religious community, and we work to see that the traditions and educational values of the sponsor are a wellspring for the learning and growing which takes place on campus. But to achieve these ends, we expect the religious sponsor to be present on the campus, as well as on the board and in faculty and administrative positions.

Lay trustees know, also, that we have responsibility to appoint a president able to direct the institution's operations within the context of policies given by the board and the bylaws and traditions already in place; that we must protect the institution's independence as a place of learning and research, even when that independence be from inappropriate actions of the sponsoring order or the local bishop; that we have to be public relations officers for the institution with neighbors and local governments and the press; and that we must choose our own successors according to the institution's need and prepare them to work as hard for the institution as we have.

To carry out these responsibilities well, the bylaws grant trustees appropriate authority. If they do not—if the sponsoring community as a separate board holds the authority to itself—we, the lay trustees have not been accepted as true partners in the common cause. Our talent and commitment is not judged to be adequate to the task. The lay board is then seen to be holding the institution in trust for the sponsoring order. Instead, we should be together holding the institution in trust for all of those to whom it belongs, including the religious order which founded it; the public which chartered it; the faculty and administrators who teach and work to fulfill the mission; the students, present and past, who learned and grew there; and all others who support it with their money and talents.

And yet there is a very special relationship of the sponsoring community to the institution, and we trustees—lay and religious—work to preserve it. But to be successful in doing so, the sponsor must help us understand the educational philosophy and tradition of the order. Many of us are alumnae/i of the institutions of which we are trustees. Some of us are not. But even for those of us who are alumnae/i, our experience at the institution was often 20 or 25 years ago, and our understandings change as do the experiences and expectations of the students who come to us. If trustees are to do their work effectively, they have to understand the sponsoring community's current understanding of itself and its work and how that work is continued on the campus today. Board retreats or presentations by religious faculty members are ways of building this understanding, as is trustee attendance at ceremonies marking the order's tradition.

When there is mutual respect and trust and true partnership, trustees and sponsor will set the agenda for the institution's future together, and all the information needed to set the agenda and make the decisions will be shared. Sponsor's plans which might affect the institution will be on the table. The lay trustees assume that the sponsoring community's commitment to the institution leads them to prepare members for faculty, administrative, and trustee positions. They assume also that, when needed, there will be strong candidates from among the orders's members for the presidency. While no one will deny that institutions can continue as Catholic centers of learning and research without religious in the presidency or faculty, I do not think it is possible to sustain the spirit and traditions of the sponsoring order over time without a critical number of the order's members on campus in these positions. How the sponsor is planning for this presence is critical knowledge the trustees should have. When members of the order are no longer available for the institutions, the trustees must discuss the feasibility and meaning of continuing the sponsorship.

From time to time there are concerns that befall the institution because of its relationship to the official church. Challenges from church authority to speakers or programs on campus or to faculty opinions spoken in the press have to be dealt with by the trustees. At times like these, the religious sponsor may be more vulnerable than the institution itself. But in a true partnership, it is the trustees who must speak out, and they must be helped to understand the consequences of such challenges for the integrity of the institution. The Catholic college, as an academic institution, is a place where truth is sought through free inquiry and shared in a context of mutual respect. Its very nature is weakened by actions external to the process which interrupt the search or undermine the respect. Being Catholic should not be seen as constraining a college or university's search for truth.

Being a trustee of a college or university is not an easy task. It requires a significant commitment of time, energy and resources. No trustee is always satisfied with her/his performance as a trustee. We don't always move quickly or decisively enough to do the best thing for the institution. It takes too long to come to a shared understanding of the challenge and/or the answer to it. But rarely has anything I've done given me a deeper sense of personal enrichment. The art of trusteeship is practiced with considerably more skill these days at Catholic colleges and universities than it was when I accepted my first assignment 21 years ago. From uncertain beginnings, boards of trustees are becoming true partnerships with sponsoring religious orders. The many challenges facing independent education in this country and the declining numbers and resources of religious sponsors will test these partnerships more in the future. I think they will grow and be strengthened, however, because of our common commitment to the preservation of the very special places which are our Catholic colleges and universities.

The Role of the Young Trustee

Nancy M. Haegel

My experience as a trustee of the University of Notre Dame began in the spring of 1987 with a telephone call from newly appointed president Rev. Edward Malloy, CSC. I remember it well. I became ill and was hospitalized for two weeks soon after I began teaching at UCLA and had just arrived home from the ordeal. I was recuperating that day, thinking that at this rate my tenure as a faculty member at UCLA was going to be a very short one. When the phone rang and Father Malloy's secretary informed me that he was calling, I had two thoughts. The first was that now, in addition to my own students and colleagues, the president of Notre Dame knew that I wasn't at work. The second was that my secretary, who had referred the call, was probably wondering if I had taken a sudden turn for the worse, since we rarely receive calls from priests in the materials science department at UCLA.

The University of Notre Dame first designated two positions on its Board of Trustees for "young alumni" in 1984. The bylaws state: "Two Trustees shall be recent graduates of the University, one male and one female, under the age of thirty at the time of their election who shall serve only one three year term." As a 1981 graduate of Notre Dame, who had completed graduate school at Berkeley and recently accepted a UCLA faculty job, I was asked to serve as a Notre Dame trustee because I was still close enough to my student experience to reflect that point of view, and yet my current perspective arises from my life and work as a faculty member at a major university. The expectation and the challenge of the position, however, was clearly to function as a trustee, that is, one who takes a broader view of the university, acts for its common good and balances the needs of its many different constituencies.

The questions that I have been asked during the past three years, both by those close to and far from university life, have been remarkably similar. How do faculty and students regard trustees? What role do young trustees play? What did you learn and what has the experience meant for you?

First, how do students and faculty regard boards of trustees? In some ways, I think most students regard trustees in the same way that many of us, during some stage of our lives, regard God. We've been told He's there, but frankly it doesn't seem to affect us much on a daily basis. When I was a student at Notre Dame, one could tell when the trustees were on campus because it seemed as though the lights illuminating the Golden Dome were a bit brighter. I have a friend who teaches at Loyola Marymount University who says that he knows when the trustees are on campus because of parking restrictions. As a student, I knew that trustees came to campus, but I really had no idea who they were or what they did. This would not represent the opinion of that small minority of students who might meet with the trustees, but I believe it is a fair summation of the experience of the majority. Trustees are often viewed as invisible powers, those who make decisions affecting the campus community with little or no accountability to it. The image of trustees is that of a highly conservative, basically benign, and distant power.For faculty, the perception is somewhat more sophisticated, though perhaps not much. Prior to my Notre Dame experience, I was aware, as a faculty member, of the role that trustees play in setting certain types of policy, in fund raising and in the key area of university relations. Yet, I could not name the chairperson of the University of California regents, I do not know how often they meet, and I doubt that I have ever met one. This is due in part to the size of the UC system and to my position as a junior faculty member. However it also reflects the reality that, though we share a common mission, the spheres of our activity rarely overlap.

Some tension between faculty and trustees, as collective groups, seems natural and probably even healthy in any university or college that is always assessing its own mission and performance. The administration plays a key role in determining whether that tension is creatively and constructively channeled for the common good. Through my service

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on the Notre Dame board, I came to appreciate the wide variety of expertise, and expectations, that a truly diverse board brings to the campus. As a faculty member, I've often wondered when was the 'ast time that most trustees or regents have seen the inside of a classroom, not counting the campus tours and "show and tell" performances. As a trustee then, I fantasized that sometime, just for an afternoon, it would be fun to disperse the entire board of trustees into university classrooms. At Notre Dame, they could occupy the lectern in classrooms ranging from theology to international relations, science to law, engineering to architecture. A number of stereotypes, among faculty, students and trustees, might be shaken.Amidst all these factors influencing th trustees and their relationship to the university community, what role does the young trustee play and how beneficial or effective is it? The answer to that question can only come from those boards that have tried this arrangement. Donald Keough, chairman of the Board of Trustees of the University of Notre Dame writes:

> The addition of two young alumni trustees on the board of the University of Notre Dame was instituted some time ago to be certain that the board, whose primary responsibility is to set the fundamental policy of the University, has access to the input of outstanding young alumni who still have views based on their recent experience as students. Older alumni trustees look back across a decade or two or more and the Notre Dame they remembered as a student no longer exists. In addition, having outstanding young alumni serve on the board for a three-year stint does indeed provide an education for the individuals concerned . . . . They begin to see the University in a new light. Each of these young alumni trustees will undoubtedly be important members of the Notre Dame community for decades to come. The early trustee experience will enable him or her to have a deeper perspective of the University and its mission. In short, the board, the University and the young alumni trustees all benefit.

The main advantage of including recent graduates on the board is obvious: their presence does serve to bring a relatively young perspective to the board, without the problems associated with direct ties to any campus constituency. A young alumnus or alumnae brings fresh memories of the student experience, but also some healthy distance from it. At least on some issues, my fellow young trustee and I clearly brought a different perspective to the discussion than board members who may have graduated twenty, thirty or forty years earlier—before Notre Dame was a co-educational institution, before family life changed so dramatically in the United States, before so many of the changes in our church.

Often, the primary risk of such appointments is that the positions, and therefore the young graduates themselves, will be viewed or will actually function as token members, a way to make the board appear more diverse or more open to new ideas without really changing its fundamental makeup. This was not my experience at Notre Dame. In formal discussions in the board meetings, but perhaps just as importantly at other informal and social times, I think the young people have been involved in the forming of consensus and in the crucial process of sharing and deliberation that allows individuals to see the university and the issues of the day through eyes other than their own.

There are several procedural items which are important to the success of such appointments. First, the young alumni trustees must be involved in full and frank discussions and, at least within the sphere of their concern, must have the same access to information as all other trustees. I always felt that Notre Dame trustees and officials were candid with me in sharing their opinions and the sometimes necessarily confidential issues that arise. Also, I believe that Notre Dame was wise in selecting a three year term of office, allowing us time to become familiar with the people and the issues. I was constantly aware of stepping into the middle of many issues and debates that carried with them long histories, both personal and institutional. If the tenure of appointment is too short, it will inhibit the type of exchange that is desired, simply because the environment can be intimidating at first. For me, the first year was one of listening and learning, the second one of growing involvement, and the third was filled with a certain sense of urgency common to those who know that time is limited.

Personally, I am very grateful for the opportunity I have had to meet exceptional people who have become both friends and models in my own development as a Catholic educator. I have gained a great appreciation of the dedication and generosity of the members of the board of trustees. Perhaps some of the substance and value of our interactions is best conveyed by sharing some of my thoughts during the last three years, as I reflected together with my fellow trustees on the challenges for Notre Dame and Catholic higher education.

There has been much deliberation lately among religious orders, leaders of our church and university communities themselves as to what makes a university Catholic. The Association of Catholic Colleges and Universities has been instrumental in encouraging this discussion. For me this question touches very closely upon the personal question of what makes me Catholic. What is key to my identity and self defini-

tion, and that of other people that I know and respect, that I would hope to see reflected in institutions and communities that define themselves in this way?

As I reflect on my own journey, I realize that it was the example of a variety of people that defined for me what it mean to "be Catholic," or, more appropriately, to live a life of faith, since my definition could include many religious traditions. First, I saw people whose religious conviction led them to freedom, freedom from fear and insecurity, and therefore to a willingness to risk. Believers can risk, because their security is ultimately not rooted in the approbation of this world. Secondly, I saw people who were more transparent, who avoided the tendency to build walls, images or defenses that would prevent them from being fully known in their humanity and vulnerability. Finally, I observed an attempt to integrate all aspects of their lives and gifts, not seeing life in either/or terms, but integrating their work, relationships and faith.

I think it is important, then, for Catholic colleges and universities to ask themselves the extent to which their Catholic character frees them in the service of their students and communities and allows them to take risks along the way. A Catholic college should be a place where individuals can take risks, the most important being the risk that young people take in truly becoming themselves. The Catholic institution should be, and I think usually is, a place where the individual counts, where the biblical injunction to search for the one lost sheep still applies. Finally, Catholic schools should be places that remind the rest of us that academic excellence and faith and academic standards and compassion can and should exist together. The Catholic university sees the quest for knowledge in a special light; it is a quest for God.

During my tenure as a trustee, I often reflected upon my own experiences at Berkeley and UCLA for comparison. At UCLA, we are an incredibly diverse collection of people, with a spectrum of religious, ethnic and political views that mirrors our Southern California community. In some ways, that limits us; the common ground upon which we stand is very limited and our ability to engage certain key aspects of the human experience, including the religious one, is sometimes restricted. Yet in other ways, that identity frees us—allowing a level of open dialogue on most issues that can take nothing for granted, providing students with exposure to a variety of religions and preparing them for the type of world in which they will really live. Competition and intensity drive the place. The biblical injunction to seek the lost may not always get heeded if the rest of the flock is headed for the Nobel Prize. The students have tremendous freedom in everything from their choice of lifestyle to their choice of courses. The community that results is very exciting, very intellectually challenging, somewhat unpredictable, and always a bit on guard. We push back frontiers of knowledge in all areas, direct our energies to the things of this earth, hire faculty and attract students, and do research with an abandon that is not common to Catholic institutions. This is the contribution we make—sometimes for good, sometimes not.

When I look to Catholic schools, I look for them to be similar in some ways, yet unique in others. Catholic colleges should be noted for their academic excellence, at whatever level that may be appropriate. Their motivation for excellence may differ at times from that of their secular counterparts, but it should be motivation nonetheless. A community that regards knowledge as a gift from God and teaching as a sacred task will necessarily value highly the intellectual life. Yet I also hope that they will be marked by the three things I mentioned earlier: a freedom that leads to a willingness to risk, a transparency that allows them to be honest in their assessment of themselves and an integrated spirituality that offers hope in a fragmented world. There are the unique gifts that we have to offer to all women and men of good will in our society—whether they share our religious tradition, practice another, or claim none at all.

What are some ways in which these characteristics would manifest themselves? The willingness to risk should be manifested in a willingness to disregard at times conventional wisdom, to champion causes that are not currently "fashionable," or to experiment with innovative programs outside the current academic mainstream. The maintaining of a core curriculum in times of wild experimentation, the development of unique community service programs, or giving attention to the education of women and minority students are examples of cases where the independent initiative of some Catholic schools placed them in leadership positions today.

Current issues that come to mind include the challenge of broader science and technology education in a culture that is increasingly technology dependent and scientifically illiterate, the challenge of integrating work and education (an often ignored reality for many of our students), and, omnipresent but rarely discussed, the whole issue of tenure and faculty standards. Many people believe that the present tenure system often does not best serve the university or its people. Yet most schools, faced with highly entrenched constituencies and the increased pressure for recruiting quality faculty, will not dare mention the problem. Catholic schools would seem logical places to begin to at least discuss alternative ways to protect academic freedom and the dignity and rights of older individuals without relying on a system that creates an unhealthy environment for faculty during early years and an unrealistic one thereafter.

Finally, we desperately need someone in the educational community to lead us to a renewed focus on the

goal of simply preparing students for a lifetime of learning. Unfortunately many of our undergraduate students see their education as the university's responsibility, rather than their own, with ominous implications for their life after college. As educators, we encourage this short sighted, degree oriented approach when we concentrate too much on *what* students study and not how and why they do it. The Catholic tradition, with its emphasis on ongoing conversion, is a natural framework in which to develop a lifelong perspective, and Catholic institutions, whose educational view is holistic and communal, should be natural leaders in this endeavor.

Experiential learning is used effectively at places like Notre Dame in the areas of social service, but I think great opportunities exist as well in the sciences, literature and other fields to move students from being somewhat passive to being more active participants in their education. The creativity that we bring to our research or artistic endeavors has not been as persistently brought to our classrooms in recent years. In a society dominated by television, where 50 percent of our citizens routinely fail to vote, more active engagement in the learning process is a crucial challenge for all levels of education.

In addition to creative risk taking, I also look toward Catholic schools for a sense of authenticity, a sense of consistency and honesty, that is not common in our society at large. We know that the so-called "spin doctors" are at work everywhere—in Washington, in corporations and even, to some extent, in the public relations offices of universities and colleges. Benefactors and trustees are often the focus of such efforts and so have a special challenge presented to them. In the Catholic tradition, individuals are called to admit their own limitations and fallibility and then to grow, even though our church sometimes has difficulty doing that with regard to its own history. Our schools and colleges would be unique players in the public scene to the extent that we are able to be honest in our assessment of ourselves. In a time of inflated rhetoric, where all ideas must be novel and everyone must be number one, a humble voice may stand out most clearly.

The issue of an integrated approach to education, one that is concerned with the education of the whole student and equally with the quality of both academic and student life, has been addressed extensively. It is the quality in Catholic colleges and universities that many people in secular institutions most admire. In this vein, I have often reflected upon and discussed with my trustee colleagues the challenges for Catholic colleges and universities today in educating women for life in society and in our church. The messages that young women receive from the Catholic community are very mixed. Women often become aware of this during their college years and then look to the people they respect to see how they are responding to these issues. When I was at Notre Dame, the greatest help to me in this area was the presence of women religious, some of the most authentic and integrated people that I have ever met. They were Catholics who showed through their own lives how to take an authentic stand in relationship to authority. Their presence on our campuses, and the presence of lay women in a wide variety of roles, is perhaps more important now then ever before, especially on campuses where religious orders of men are the primary leadership figures. When students are being taught in the classroom that they must stand up to prejudice and other forms of oppression in society, they will naturally look very closely to see how their own institution is responding to what many perceive as prejudice within the church.

At some point in my career, I think would like to return to a Catholic university or college. I would like to be part of such a community, not because I would be more comfortable and not because I do not consider teaching at UCLA to be a sacred task, but because I think the challenge and the mission in Catholic higher education is the greatest one imaginable—to create an environment in which both heart and mind come together, mature, and reach new vistas and are offered back in the service of God and God's people. Trustees, both the young trustees and all those that are young at heart, can help build such an environment. For me that is a task worthy of the energies of your life.

Sponsors and Directors: An Important Conversation

Robert E. Gibbons

This article is a case study, not a theoretical discourse. With respect to trusteeship and sponsorship, it describes the operative and developing reality at Viterbo College, a Franciscan college in La Crosse, Wisconsin, without reliance on legal definitions or speculation on philosophical principles. The relationship between sponsorship and trusteeship at Viterbo College is a vital, healthy, and evolving one, and it could serve as a model for institutions struggling with this issue.

By way of background: Viterbo is a Catholic, Franciscan college founded in 1890 by the Franciscan Sisters of Perpetual Adoration (FSPA). Its governance structure is two-tiered: The five corporate officers of the FSPA are the Members of Viterbo College, Inc., with the usual reserved powers, including the election of directors; the board of directors numbers 30, of which 10 are FSPA's, including two current corporate officers, three former FSPA presidents, ar d all three of the current FSPA regional administrators. While the 10 FSPA directors are a numerical minority on the board, they constitute a very strong representation of FSPA corporate leadership.

Three questions were posed for consideration in this article:

1. For whom do the trustees (directors) hold a college in trust?
2. What do trustees (directors) expect of the sponsoring religious body?
3. What do the sponsors expect of the trustees (directors)?

I thought that the best way to determine for whom Viterbo College was held in trust was to ask the directors who do the holding. To six FSPA directors and six lay directors, I addressed the first question: for whom do the directors hold our college in trust? I also asked the six lay directors the second question and the six FSPA directors the third question.

I have worked with the Viterbo College Board of Directors for 10 years, and so I was not surprised when all 12 directors gave me thoughtful, well-developed responses. What I was not prepared for, however, was the depth of emotion in most of the answers. These were not theoretical questions for the 12 directors. For sponsoring directors and lay directors alike, the responses resonated with what must be called passion. One lay director not given to hyperbole spoke of the "awesome investment" of the FSPA in the college and of the "terrible responsibility" of directors; another emphasized twice in conversation her "strong feelings" on the issue of directors' expectations. One of the sponsoring directors cast her entire response in terms of myth: In one place, "the power of the dream" is from all those who had anything to do with "creating the MYTH"; in another, directors must "internalize the STORY" and may "transform the MYTH."

For whom is the college held in trust? The Viterbo College directors' answers to this question were numerous: God, the church, the sponsoring religious body, the students, the faculty, employees, alumni, donors, the local community, and society at large. Only the first answer on the list, from a lay director who took an interesting stewardship perspective on the question, surprised me. Nor was I surprised by the fact that, except for the first answer, all of the others were given both by sponsoring directors and by lay directors. There was a strong level of agreement between both groups of directors that Viterbo College is held in trust for the constituencies who have invested in it.

There was, however, a dramatic difference in the strength of the "sponsoring religious body" answers from the two groups of directors. Every one of the six sponsoring directors responded with "sponsoring religious body"; five of the six put "sponsoring religious body" first in their answers; and one of the six did not identify any other constituency in answering the question. Of the six lay directors, two included "sponsoring religious body" in their answers; and one of them put it first among five constituencies in her answer.

Struck by the substantial difference in importance ascribed to the FSPA as a constituency for whom Viterbo was held in trust, I asked a lay director why he omitted them from his answer. His answer: "It goes

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without saying that we hold Viterbo in trust for the FSPA's." *It goes without saying*—these words represent the most important thing I have learned about sponsorship and trusteeship at Viterbo College. The words are both a wonderful affirmation of FSPA primacy at Viterbo and a disconcerting challenge to the perpetuation of FSPA values at Viterbo, a subject to which I will return at the end.

One other interesting difference in the collective responses of sponsoring directors and lay directors was in the degree of prominence given "the church" in their answers to the "For whom?" question. All but one of the sponsoring directors included "the church" in her response, whereas only two of the six lay directors did so, one of them qualifying this part of his answer by adding, "Maybe, depending on what our *Articles of Incorporation* say."

What does the sponsoring religious body expect of the directors? There were no surprises in the way the six sponsoring directors answered this question. They named directors using their special expertise to benefit the college, accepting fiduciary responsibility in management of the college's assets, and respecting the reserved power delineated in the college's articles and bylaws.

The central focus of their six answers, though, was on mission. The FSPA expects the directors of Viterbo College to know and support the expressed educational and religious mission of the college. This core idea was discussed in terms as different as "vision," "values," "myth," "philosophy," and "faith"; but the central message was consistent and clear: The FSPA expects the Viterbo directors to co-minister with them in their ministry of higher education.

One of the sponsoring directors carried her answer a step beyond the core idea of co-ministry, and I thought it was a very significant step. She said that she also expected the directors to acquaint themselves with the sponsoring body as a religious institute by learning about its history and its culture and to develop personal relationships with individual members of the sponsoring body. She was quite clear that she did not mean only that directors should learn some FSPA history so they would better understand the FSPA mission at Viterbo; she meant that she expected directors to learn about the FSPA as a corporate entity so that they could come to know and develop relationships with individual members of the corporate entity. She was talking about education of directors beyond the scope of the usual orientation process for new board members and of relationship-building that would not ordinarily occur in board meetings or through committee work.

This bold sponsoring director also told me that the FSPA needed to tell Viterbo College directors what it expects of them in terms that are cordial, clear, and explicit. And, she confided, "We haven't been very good at that." This is another subject to which I will return.

What do the directors expect of the sponsoring religious body? If co-ministry, continuing education, and personal relationships seemed like challenging expectations on the part of the sponsoring religious body, the directors of Viterbo College are no less challenging in their expectations of the FSPA. In fact, the directors expect more. They expect the FSPA:

—to be dispensers of "a truth"
—to be in the world, but not of it
—to give leadership in the nurturing of Christian values in the campus community
—to use prudence in the exercise of reserved powers
—to provide continuing education to the directors regarding the philosophy, values, and culture of the sponsoring religious body
—to participate in the teaching and administrative functions of the college
—to model those distinct characteristics which reflect the sponsor's Franciscan philosophy
—to have confidence in lay directors' reasons for serving
—to affirm the positive contributions of directors, faculty, and staff
—to be visible and vocal in the governance of the college
—to provide resources for mission-enhancing activities
—to articulate the college's mission clearly and frequently to the directors

The leadership role for FSPAs is clearly expressed in this list of lay directors' expectations, and the importance of FSPA presence—on the board, faculty and administration—is not understated. Two of the expectations, in particular, invite further comment.

Five of the six lay directors in one way or another voiced the expectation that the FSPA be teachers of the directors—through personal example, corporate actions, and educational programs. Remembering that an expectation of one of the sponsors was that directors "acquaint themselves" with the religious community's history and culture, it is encouraging to note such a willingness to learn in the cohort of lay directors. The most explicit expression of that willingness is in one director's call for board formation: to provide continuing education to the directors regarding the philosophy, values, and culture of the sponsoring religious body.

The other expectation of extraordinary importance is the final one on the list: to articulate the college's mission clearly and frequently to the directors. Here, a lay director is calling for greater explicitness regarding mission. Earlier, one of the sponsoring directors thought the FSPA had not been sufficiently explicit with directors regarding expectations. Earlier still it

went "without saying" that the directors hold the college in trust for the sponsoring religious body.

To my mind, the connection between these observations is clear and casual, and the importance of the connection can be generalized to all religiously sponsored institutions. It is a matter of consciousness raising. The more explicitly the sponsoring religious body proclaims its mission, the more the directors can be expected to hold the institution in trust for the sponsoring body. In this matter of sponsorship and trusteeship, which is so critically important both to sponsoring bodies and to institutional identity, nothing should go without saying. Sponsors and trustees must find the occasions and the language to say everything to each other.

Happily for Viterbo College—as well as for FSPA-sponsored health care facilities—the forum for these conversations has been discovered. In 1990, the Director of Mission Effectiveness for the FSPA organized, and the President of the Community convened, the first annual FSPA Sponsorship Conference. Representatives from FSPA leadership circles and from both administration and boards of directors at sponsored institutions were invited to a short weekend in a hotel conference setting. FSPA corporate values, canonical requirements, and corporate and organizational mission effectiveness were all on the agenda. Nothing went without saying, and I witnessed the MYTH being internalized in a new and meaningful way. The annual sponsorship conference promises to raise the consciousness of directors and sponsors, to clarify their expectations of one another, and to build the personal relationships which will ensure the perpetuation of Franciscan ministry and values at Viterbo College.

Sponsorship

Theodore Drahmann, FSC

On the walls of the main corridor in the administration building at Christian Brothers University, there are two sets of rather somber photos to be seen. One section displays the eighteen presidents of the university who have held that office since 1871. All of these are Christian Brothers. Another segment has pictures of the five laymen who have occupied the position of Chairman of the Board of Trustees in the past twenty years.

These pictures indicate the change in governance and relationships at CBU, a typical university sponsored by a religious congregation, over these past 120 years.

As in all such institutions, the past quarter of a century has seen the most significant changes, and the future remains uncertain. The diminution of members of the sponsoring religious body in the immediate past has made for tensions and questions in the operation of the institution now and the direction it might take in the future.

In order to adapt to these changes, Christian Brothers University has undertaken a four-pronged effort in order to provide for the continuation of the tradition of the Christian Brothers while adapting to the challenges of the present day. This effort has consisted of structural adjustments, education programs for trustees and campus personnel, intensified recruiting of religious personnel, and a specialized orientation of lay faculty, administration, and staff who join the campus.

Structural organization steps were taken to ensure that the basic mission statement of the university as a Catholic and Christian Brothers institution would be safeguarded in all the decisions of the board of trustees. The introductory sentence of the mission statement is as follows: "Christian Brothers University, begun in 1871, is a Catholic institution of higher education in the tradition of the Christian Brothers." This indicates specifically the relationship of the university to the Roman Catholic Church and also its guiding philosophy derived from the sponsoring religious order, the Brothers of the Christian Schools.

The title to the university property is in the hands of the board of trustees, but the bylaws of the board indicate certain limitations on their autonomy relating to the relationship with the Christian Brothers. It is specifically mentioned that the first responsibility of the board of trustees shall be to "sustain the principles and the purposes on which the College has been founded, in keeping with the philosophy and purposes of the Christian Brothers." There are limitations on the expenditure of major amounts of funds outside the regularly approved budget, as well as on the purchase, sale, loan, or mortgaging of the property of the corporation. The bylaws also provide that the president shall be a member in good standing of the Brothers of the Christian Schools unless a qualified brother is not available. The president shall be elected by the board of trustees from candidates approved by the provincial of the St. Louis province, in which the university is located. The board consists of a maximum of 40 members, with a requirement that three Christian Brothers be members, including the provincial of the St. Louis province.

In order to provide for the continuation of the presence of the brothers, the bylaws state that "in filling vacancies in any existing position or in new positions, preference shall be given to members of the Brothers of the Christian Schools who possess the desired qualifications."

Finally, if the university should cease to exist, the property would revert to the Christian Brothers.

These organizational matters give the sponsoring religious body a significant interest in the operation of the university and provide several checks on the autonomy of the board of trustees for the purpose of preserving the continuation of the brothers' charism, as well as protecting the order from being held liable for financial transactions in which they had no say. Because the provincial is a member of the board, it can be presumed that there is full communication between him and the board. These provisions seem to be work-

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ing satisfactorily to balance both the local responsibility and the continuation of the influence of the Christian Brothers.

Apart from the three brothers who must serve as members of the board, the informal policy has been to select other brothers as well as alumni among those recruited for the board, so as to make certain that the traditions of the past are carried on.

Sponsorship has been enhanced by a continuing and campuswide effort directed to the trustees, to faculty, administrators and staff, and even to students, to provide information regarding the Catholic and Christian Brother tradition of the university, and to promote reflection upon this tradition in light of contemporary challenges. Through readings, programs, speakers, campus architecture and art as well as the selection of recipients of honorary degrees, the historical character of the university as an entity of the Christian Brothers has been kept in mind and reinforced. This has been especially necessary for board members who may not have come from among the alumni and/or a background in the Catholic tradition.

There has been the specific and rather successful effort to recruit Christian Brothers from the entire nation to assist those of the local province in maintaining a strong brothers' presence on campus. A definite effort has been made to encourage the local province to provide hospitality on the campus. Trustees are integrally involved in this process and are well aware of the advantage of there being a significant number of religious among the faculty and staff.

In the bylaws of the board, it is stated that "in filling vacancies for new positions, applicants shall be apprised of the mission of the College, and they must exhibit a willingness to support this mission." This sentence has been expanded into a longer statement for faculty and staff which explains what is involved in supporting the unique tradition and mission of the college. There, newcomers are given a specific orientation program, including a videotape of the last general chapter of the brothers, with several follow-up sessions.

It can be said that the most important task of the members of the board of trustees, along with ensuring the survival and the quality of an institution of higher education, is to make certain that the mission of the college is carried out and continued. We have made every effort to help the trustees to realize what this mission entails and to recognize the concrete steps that must be taken. It is certainly evident in our recent experience that the members of our board are keenly aware of the importance of maintaining Christian Brothers University strongly in the tradition of its sponsoring religious body.

Although this may be obvious, it must be said that the sponsoring religious body has a serious duty to endeavor to supply personnel from its ranks to assist in maintaining the nature of the institution. They should look ahead and endeavor to see that key positions, both administration and faculty, will be held by members of the religious order so that they can provide the recognized service of animation of campus personnel and preservation of the mission.

In all of these matters, the president of the institution has a key responsibility: to ensure that the sponsoring tradition is kept strong, is understood, and is provided for by the board of trustees. It is crucial that he work closely with the authorities of the province and the leadership of the board so that there is sufficient and clear communication on all matters relating to the character and the basic mission of the institution. The president is also charged with involving trustees and campus personnel in the ongoing work of maintaining and adapting the historical mission of the institution.

In other words, he must be the link to ensure that the row of portraits of brother presidents which adjoins the row of portraits of lay trustees will symbolize the fact that the brothers and the board both have irreplaceable contributions in make to sustaining the heritage, the mission, and the purpose of the institution.

It is my conviction that it is both desirable and possible for a sponsoring religious body to strongly maintain and preserve its influence on an institution which it has traditionally served. With determination, planning, and flexibility, it can be done. A properly selected and a well educated board of trustees is key to this success.

The Relationship Between an Institution's Trustees and Its Sponsoring Religious Community

Isabelle Keiss, RSM

The question of the relationship between an institution's trustees and its sponsoring religious community has been and remains grist for the conversational mills of most of the Catholic colleges and universities in the United States.

At root, the question has arisen because of the need to articulate what it means for a religious community to be "college-related" as numbers of religious available for the mission of higher education diminish. The time when a founding religious group had the members and the motivation to staff and support a college or university without the collaboration of lay colleagues is long gone.

Religious communities have always seen their corporate works as extensions of the mission and purpose of the church. However, recent attention to "sponsorship" has grown out of a concern that a particular religious community's ministry may have become somewhat acculturated to society and therefore no longer utters the gospel message in fidelity to the community's heritage. The need to examine the authenticity of our commitments and the witness we hope to render took on urgency in light of the significant decrease in the number of sponsoring religious body (SRB) personnel.

The commitment to sponsorship implicitly calls attention to the importance of having a vehicle in place which proclaims the primary role of mission in the college's activities and environment.

Essentially, "sponsorship" implies that the sponsoring religious body have some mechanism for examining how the college reflects the mission of the Catholic Church and the particular relationship to the founding religious community.

It follows that the key to strengthening the relationship between an institution's trustees and its sponsoring religious community is the fostering of a common understanding of the college or university's particular mission and purpose in relationship to the church and to the broader society which it endeavors to serve, for it is clear that the guardianship of the institution's mission is in the hands of the trustees.

Among the 18 colleges in the United States sponsored by the Sister of Mercy, there are a variety of legal, financial, and interdependent relationships between the respective boards and the individual religious founding group. With the collaboration of countless dedicated men and women, a diversity of social structures established out of the Mercy tradition has preserved and extended the charism of Catherine McAuley in history. These institutions make it possible to incarnate her values, insights, and mission in structures that preserve these values through the passage of time. Is this not a pre-eminent aspect of a board's fiduciary role, maintaining institutional identity, not as an end in itself, but to sustain particular gifts as sources of creativity and inspiration for the future?

Institutions called "Mercy" must translate the charism into organizational structures and policies which influence operations for the collaborative relationship to be operative. Emphasis on sponsorship, which has become increasingly significant, has grown out of this sense of stewardship—responsibility to influence and shape the direction and decisions of a corporate ministry in accord with its animating spirit.

The medium is the message: to manifest by presence—both individual and corporate—the reality of God's compassionate love, which is mercy. Because it is the medium that shapes and controls the scale and form of human association and action, Mercy institutions remain challenged by the pattern set by Catherine McAuley.

The documents of Vatican II envisioned a collaboration in mission between laity and religious in order to preserve and make viable for the twenty-first century the animating spirit of an institution as reflected in the heritage of its sponsoring group. For this to happen, it is now more necessary than ever that lay trustees absorb that history and imbibe its spirit. Incorporating an orientation to the spirit and mission of the founding group in meetings of trustees will enable them to understand the college culture in carrying out their responsibilities.

Sister Isabelle is president of Gwynedd-Mercy College in Gwynedd Valley, PA.

Prior to Vatican II, most civil corporations formed by religious communities for conducting secular business confined the membership of their boards of directors entirely to members of the religious community. If there was a lay board, it was advisory in nature rather than a true governing body. The only authority it had legally was to make recommendations to the true governing body (which might be called either board of directors or board of trustees or occasionally board of governors) which had the legal authority to manage the business and affairs of the corporation.

In practice, there was considerable variation in the amount of authority and influence which these advisory boards exercised in such management. There frequently was a feeling that the members of such boards felt somewhat frustrated or that their effectiveness was hampered because they did not have legal authority in the management of the corporation.

Martin Stamm has succinctly observed that until the mid-60's the governance of American Catholic higher educational institutions was the responsibility of the religious institutes which had founded, staffed, and sponsored them. He adds that Vatican II not only confirmed the importance of formal education at all levels but also articulated a new partnership between clergy/religious and the laity and urged that church-sponsored organizations adjust their governance structures to reflect this. He also noted "that the discussion of the benefits and liabilities of laicization continues today with the question of appropriateness and productivity of laicization as yet unresolved within the church and within Catholic higher education."

As president of Gwynedd-Mercy College since 1971, I have experienced the evolution Stamm describes and concomitantly the tension usually identified with the McGrath-Maida controversy in the late 60's and early 70's. That there is still discussion and debate around the question of the appropriate extent of laicization of boards is clear.

At one end of the spectrum is an interpretation of canon law which holds that the governing body of the legal entity has responsibility for managing all of the property of that community for appropriate ecclesiastical purposes. Therefore, the activities of any civil corporation formed to carry out effectively whatever work the community undertakes continue to be the responsibility of the governing body of the religious community.

At the other end is the motivation emanating from Vatican II's articulation of a new partnership between clergy/religious and the laity and the consequent urging that church-sponsored institutions adjust their governance structures to reflect this.

As past president of the Association of Mercy Colleges, I am aware that the result of this tension has been a wide variety in the degree of evolution which has occurred in the composition of the respective boards of the 18 member colleges. This diversity mirrors the diversity found especially in the boards of colleges sponsored by women religious where traditionally there has been a strong and interdependent relationship between the congregation and its institutions of higher education.

The earlier model—a board composed entirely of members of the religious community—served Gwynedd-Mercy College well in its founding and in providing for its subsequent development. Significant in this development was the foresight of incorporating in the by-laws an article providing for a regular five-year review of the by-laws for the purpose of instituting any necessary revisions.

The wisdom of this provision is evident when one compares the present by-laws with the earliest ones. For example, had no growth and development occurred, Gwynedd-Mercy College would still have a board of directors coterminous with the General Council of the Sisters of Mercy.

From the perspective of the sponsoring religious body, the increasing intensity and complexity of the demands on time, talent, and energy on those responsible for the over-all governance of a religious congregation today serve to reinforce the wisdom of the gradual change to predominately lay boards in managing the affairs of the college.

Periodic amendments through the last 25 years have kept Gwynedd-Mercy College in the mainstream of Catholic higher education. Pragmatically, it is clear that some change occurred as a direct result of the reality of aging communities, the emergence of new needs which clamor for personnel, and the recognition of the need of sophisticated business, legal, and management expertise for the college to compete with peer institutions. More idealistically, there was a motivation emanating from Vatican II's articulation of a new partnership between clergy/religious and the laity, and the consequent urging that church-sponsored institutions adjust their governance structures to reflect this. This reorganization makes possible a genuine collaboration in the service of the mission of the institution.

A collaborative spirit in the service of the distinctive mission of Gwynedd-Mercy College has emerged as the atmosphere of mutuality of ministry has proven to be a positive experience, not attenuating the Catholic mission, but assisting its accomplishment.

In the mutuality of their responsibility for governance of the institution, both the SRs and lay colleagues in exploring the meaning of sponsorship have the opportunity to clarify institutional purposes, to set out mutual expectations, to agree upon the nature of services and support that each will provide the other, and to establish methods of evaluating progress toward agreed-upon goals.

From the viewpoint of independent, church-related institutions in particular, there are clearly new challenges ahead. And to meet these challenges, a Catholic college or university will have to have a strong functioning board and committed board members who bring to the board a wide range of experience as well as financial support.

To serve responsibly as trustees for an institution, it is urgent that mutual expectations are clearly understood. All those who "hold in trust" a college or university must be committed to its specific and unique Catholic mission—to provide a holistic education experience aimed at touching hearts and souls as well as minds. They must bring their varied talents and resources to bear on the successful achievement of its long-range plans and goals, and must be ready to give and to get the financial resources needed to strengthen the institution's current and future ability to carry out its mission.

A board must have an idea of the commitment of the sponsoring religious community in terms of future personnel and financial support if it is to do responsible planning. The pervasive reality, at present, is that groups which formerly provided personnel and finances are finding it increasingly difficult to continue this kind of support.

The presence of strong, gifted laity on the board—no longer held suspect or mistaken as agents of secularization, but the norm at all levels of Catholic higher education—equips a college or university with the resourcefulness needed to compete as a quality institution of higher education in today's world.

Lay trustees bring critical talent and ability to board decision-making and policy-making, especially in the areas of board concern in which their expertise is integral to the making of sound decisions.

It does not require a crystal ball to foresee that the future of our colleges and universities hinges both on the effectiveness of the collaboration between religious and laity grounded on joint commitment to mission and on a phasing out of significant dependence on the sponsoring religious community.

The changing context of Catholic higher education offers opportunities for continued growth, as experience shows that the strengthening of boards through incorporation of a majority of lay members has not jeopardized in any way the continuing influence of the sponsoring community.

On the contrary, where this relationship is effective, the sponsoring religious body faces the future with optimism, finding board members alert to review the college in light of its declared mission, eager to maintain the public identification of the founding religious group with the college, and anxious to attract members of that group to the ministry of higher education wherever possible.

Apostolic Constitution of the Supreme Pontiff

John Paul II

INTRODUCTION

1. Born from the heart of the church, a Catholic university is located in that course of tradition which may be traced back to the very origin of the University as an institution. It has always been recognized as an incomparable center of creativity and dissemination of knowledge for the good of humanity. By vocation, the *universitas magistrorum et scholarium* is dedicated to research, to teaching and to the education of students who freely associate with their teachers in a common love of knowledge. With every other university it shares that *gaudium de veritate*, so precious to Saint Augustine, which is that joy of searching for, discovering and communicating truth in every field of knowledge. A Catholic university's privileged task is "to unite existentially by intellectual effort two orders of reality that too frequently tend to be placed in opposition as though they were antithetical: the search for truth and the certainty of already knowing the fount of truth."

2. For many years I myself was deeply enriched by the beneficial experience of university life: the ardent search for truth and its unselfish transmission to youth and to all those learning to think rigorously, so as to act rightly and to serve humanity better.

Therefore, I desire to share with everyone my profound respect for Catholic universities and to express my great appreciation for the work that is being done in them in the various spheres of knowledge. In a particular way, I wish to manifest my joy at the numerous meetings which the Lord has permitted me to have in the course of my apostolic journeys with the Catholic university communities of various continents. They are for me a lively and promising sign of the fecundity of the Christian mind in the heart of every culture. They give me a well-founded hope for a new flowering of Christian culture in the rich and varied context of our changing times, which certainly face serious challenges but which also bear so much promise under the action of the Spirit of truth and of love.

It is also my desire to express my pleasure and gratitude to the very many Catholic scholars engaged in teaching and research in non-Catholic universities. Their task as academics and scientists, lived out in the light of the Christian faith, is to be considered precious for the good of the universities in which they teach. Their presence, in fact, is a continuous stimulus to the selfless search for truth and for the wisdom that comes from above.

3. Since the beginning of this pontificate, I have shared these ideas and sentiments with my closest collaborators, the cardinals, with the Congregation for Catholic Education, and with men and women of culture throughout the world. In fact, the dialogue of the church with the cultures of our times is that vital area where "the future of the church and of the world is being played out as we conclude the twentieth century." There is only one culture: that of man, by man and from man. And thanks to her Catholic universities and their humanistic and scientific inheritance, the church, expert in humanity, as my predecessor Paul VI expressed it at the United Nations, explores the mysteries of humanity and of the world, clarifying them in the light of revelation.

4. It is the honor and responsibility of a Catholic university to consecrate itself without reserve to the cause of truth. This is its way of serving at one and the same time both the dignity of man and the good of the church, which has "an intimate conviction that truth is (its) real ally ... and that knowledge and reason are sure ministers to faith." Without in any way neglecting the acquisition of useful knowledge, a Catholic university is distinguished by its free search for the whole truth about nature, man and God. The present age is in urgent need of this kind of disinterested service, namely of proclaiming the meaning of truth, that fundamental value without which freedom, justice and human dignity are extinguished. By means of a kind of universal humanism, a Catholic university is completely dedicated to the research of all aspects of truth in their essential connection with the supreme Truth, who is God. It does this without fear, but rather with enthusiasm, dedicating itself to every path of knowledge, aware of being preceded by him who is "the Way, the

Truth, and the Life," the Logos, whose Spirit of intelligence and love enables the human person with his or her own intelligence to find the ultimate reality of which he is the source and end and who alone is capable of giving fully that wisdom without which the future of the world would be in danger.

5. It is in the context of the impartial search for truth that the relationship between faith and reason is brought to light and meaning. The invitation of Saint Augustine, "*Intellege ut credas; crede ut intellegas*," is relevant to Catholic universities that are called to explore courageously the riches of revelation and of nature so that the united endeavor of intelligence and faith will enable people to come to the full measure of their humanity, created in the image and likeness of God, renewed even more marvelously, after sin, in Christ, and called to shine forth in the light of the Spirit.

6. Through the encounter which it establishes between the unfathomable richness of the salvific message of the Gospel and the variety and immensity of the fields of knowledge in which that richness is incarnated by it, a Catholic university enables the church to institute an incomparably fertile dialogue with people of every culture. Man's life is given dignity by culture, and, while he finds his fullness in Christ, there can be no doubt that the Gospel which reaches and renews him in every dimension is also fruitful for the culture in which he lives.

7. In the world today, characterized by such rapid developments in science and technology, the tasks of a Catholic university assume an ever greater importance and urgency. Scientific and technological discoveries create an enormous economic and industrial growth, but they also inescapably require the correspondingly necessary search for meaning in order to guarantee that the new discoveries be used for the authentic good of individuals and of human society as a whole. If it is the responsibility of every university to search for such meaning, a Catholic university is called in a particular way to respond to this need: Its Christian inspiration enables it to include the moral, spiritual and religious dimension in its research and to evaluate the attainments of science and technology in the perspective of the totality of the human person.

In this context, Catholic universities are called to a continuous renewal, both as "universities" and as "Catholic." For, "What is at stake is the very meaning of scientific and technological research, of social life and of culture, but, on an even more profound level, what is at stake is the very meaning of the human person." Such renewal requires a clear awareness that, by its Catholic character, a university is made more capable of conducting an impartial search for truth, a search that is neither subordinated to nor conditioned by particular interests of any kind.

8. Having already dedicated the apostolic constitution *Sapientia Christiana* to ecclesiastical faculties and universities, I then felt obliged to propose an analogous document for Catholic universities as a sort of *magna carta*, enriched by the long and fruitful experience of the church in the realm of universities and open to the promise of the future achievements that will require courageous creativity and rigorous fidelity.

9. The present document is addressed especially to those who conduct Catholic universities, to the respective academic communities, to all those who have an interest in them, particularly the bishops, religious congregations and ecclesial institutions, and to the numerous laity who are committed to the great mission of higher education. Its purpose is that "the Christian mind may achieve, as it were, a public, persistent and universal presence in the whole enterprise of advancing higher culture and that the students of these institutions become people outstanding in learning, ready to shoulder society's heavier burdens and to witness the faith to the world."

10. In addition to Catholic universities, I also turn to the many Catholic institutions of higher education. According to their nature and proper objectives, they share some or all of the characteristics of a university, and they offer their own contribution to the church and to society, whether through research, education or professional training. While this document specifically concerns Catholic universities, it is also meant to include all Catholic institutions of higher education engaged in instilling the Gospel message of Christ in souls and cultures.

Therefore, it is with great trust and hope that I invite all Catholic universities to pursue their irreplaceable task. Their mission appears increasingly necessary for the encounter of the church with the development of the sciences and with the cultures of our age.

Together with all my brother bishops who share pastoral responsibility with me, I would like to manifest my deep conviction that a Catholic university is without any doubt one of the best instruments that the church offers to our age which is searching for certainty and wisdom. Having the mission of bringing the good news to everyone, the church should never fail to interest herself in this institution. By research and teaching, Catholic universities assist the church in the manner most appropriate to modern times to find cultural treasures both old and new, "*nova et vetera*," according to the words of Jesus.

11. Finally, I turn to the whole church, convinced that Catholic universities are essential to her growth and to the development of Christian culture and human progress. For this reason, the entire ecclesial community is invited to give its support to Catholic institutions of higher education and to assist them in their

process of development and renewal. It is invited in a special way to guard the rights and freedom of these institutions in civil society, and to offer them economic aid, especially in those countries where they have more urgent need of it, and to furnish assistance in founding new Catholic universities wherever this might be necessary.

My hope is that these prescriptions, based on the teaching of Vatican Council II and the directives of the Code of Canon Law, will enable Catholic universities and other institutions of higher studies to fulfil their indispensable mission in the new advent of grace that is opening up to the new millennium.

I. IDENTITY AND MISSION

A. THE IDENTITY OF A CATHOLIC UNIVERSITY

1. Nature and Objectives

12. Every Catholic university, as a university, is an academic community which, in a rigorous and critical fashion, assists in the protection and advancement of human dignity and of a cultural heritage through research, teaching and various services offered to the local, national and international communities. It possesses that institutional autonomy necessary to perform its functions effectively and guarantees its members academic freedom, so long as the rights of the individual person and of the community are preserved within the confines of the truth and the common good.

13. Since the objective of a Catholic university is to assure in an institutional manner a Christian presence in the university world confronting the great problems of society and culture, every Catholic university, as Catholic, must have the following essential characteristics:

"1. A Christian inspiration not only of individuals but of the university community as such.
2. A continuing reflection in the light of the Catholic faith upon the growing treasury of human knowledge, to which it seeks to contribute by its own research.
3. Fidelity to the Christian message as it comes to us through the Church.
4. An institutional commitment to the service of the people of God and of the human family in their pilgrimage to the transcendent goal which gives meaning to life."

14. "In the light of these four characteristics, it is evident that besides the teaching, research and services common to all universities, a Catholic university, by institutional commitment, brings to its task the inspiration and light of the Christian message. In a Catholic university, therefore, Catholic ideals, attitudes and principles penetrate and inform university activities in accordance with the proper nature and autonomy of these activities. In a word, being both a university and Catholic, it must be both a community of scholars representing various branches of human knowledge, and an academic institution in which Catholicism is vitally present and operative."

15. A Catholic university, therefore, is a place of research, where scholars scrutinize reality with the methods proper to each academic discipline, and so contribute to the treasury of human knowledge. Each individual discipline is studied in a systematic manner; moreover, the various disciplines are brought into dialogue for their mutual enhancement.

In addition to assisting men and women in their continuing quest for the truth, this research provides an effective witness, especially necessary today, to the church's belief in the intrinsic value of knowledge and research.

In a Catholic university, research necessarily includes (a) the search for an integration of knowledge, (b) a dialogue between faith and reason, (c) an ethical concern, and (d) a theological perspective.

16. Integration of knowledge is a process, one which will always remain incomplete; moreover, the explosion of knowledge in recent decades, together with the rigid compartmentalization of knowledge within individual academic disciplines, makes the task increasingly difficult. But a university, and especially a Catholic university, "has to be a 'living union' of individual organisms dedicated to the search for truth .... It is necessary to work towards a higher synthesis of knowledge, in which alone lies the possibility of satisfying that thirst for truth which is profoundly inscribed on the heart of the human person." Aided by the specific contributions of philosophy and theology, university scholars will be engaged in a constant effort to determine the relative place and meaning of each of the various disciplines within the context of a vision of the human person and the world that is enlightened by the Gospel, and therefore by a faith in Christ, the Logos, as the center of creation and of human history.

17. In promoting this integration of knowledge, a specific part of a Catholic university's task is to promote dialogue between faith and reason, so that it can be seen more profoundly how faith and reason bear harmonious witness to the unity of all truth. While each academic discipline retains its own integrity and has its own methods, this dialogue demonstrates that "methodical research within every branch of learning, when carried out in a truly scientific manner and in accord with moral norms, can never truly conflict with faith. For the things of the earth and the concerns of faith derive from the same God." A vital interaction of

two distinct levels of coming to know the one truth leads to a greater love for truth itself, and contributes to a more comprehensive understanding of the meaning of human life and of the purpose of God's creation.

18. Because knowledge is meant to serve the human person, research in a Catholic university is always carried out with a concern for the ethical and moral implications both of its methods and of its discoveries. This concern, while it must be present in all research, is particularly important in the areas of science and technology. "It is essential that we be convinced of the priority of the ethical over the technical, of the primacy of the person over things, of the superiority of the spirit over matter. The cause of the human person will only be served if knowledge is joined to conscience. Men and women of science will truly aid humanity only if they preserve the `sense of the transcendence of the human person over the world and of God over the human person'."

19. Theology plays a particularly important role in the search for a synthesis of knowledge as well as in the dialogue between faith and reason. It serves all other disciplines in their search for meaning, not only by helping them to investigate how their discoveries will affect individuals and society, but also by bringing a perspective and an orientation not contained within their own methodologies. In turn, interaction with these other disciplines and their discoveries enriches theology, offering it a better understanding of the world today, and making theological research more relevant to current needs. Because of its specific importance among the academic disciplines, every Catholic university should have a faculty, or at least a chair, of theology.

20. Given the close connection between research and teaching, the research qualities indicated above will have their influence on all teaching. While each discipline is taught systematically and according to its own methods, interdisciplinary studies, assisted by a careful and thorough study of philosophy and theology, enable students to acquire an organic vision of reality and to develop a continuing desire for intellectual progress. In the communication of knowledge, emphasis is then placed on how human reason in its reflection opens to increasingly broader questions, and how the complete answer to them can only come from above through faith. Furthermore, the moral implications that are present in each discipline are examined as an integral part of the teaching of that discipline so that the entire educative process be directed toward the whole development of the person. Finally, Catholic theology, taught in a manner faithful to Scripture, tradition, and the church's magisterium, provides an awareness of the Gospel principles which will enrich the meaning of human life and give it a new dignity.

Through research and teaching the students are educated in the various disciplines so as to become truly competent in the specific sectors in which they will devote themselves to the service of society and of the church, but at the same time prepared to give the witness of their faith to the world.

2. *The University Community*

21. A Catholic university pursues its objectives through its formation of an authentic human community animated by the spirit of Christ. The source of its unity springs from a common dedication to the truth, a common vision of the dignity of the human person and, ultimately, the person and message of Christ which gives the institution its distinctive character. As a result of this inspiration, the community is animated by a spirit of freedom and charity; it is characterized by mutual respect, sincere dialogue, and protection of the rights of individuals. It assists each of its members to achieve wholeness as human persons; in turn, everyone in the community helps in promoting unity, and each one, according to his or her role and capacity, contributes toward decisions which affect the community, and also toward maintaining and strengthening the distinctive Catholic character of the institution.

22. University teachers should seek to improve their competence and endeavor to set the content, objectives, methods, and results of research in an individual discipline within the framework of a coherent world vision. Christians among the teachers are called to be witnesses and educators of authentic Christian life, which evidences an attained integration between faith and life, and between professional competence and Christian wisdom. All teachers are to be inspired by academic ideals and by the principles of an authentically human life.

23. Students are challenged to pursue an education that combines excellence in humanistic and cultural development with specialized professional training. Most especially, they are challenged to continue the search for truth and for meaning throughout their lives, since "the human spirit must be cultivated in such a way th[at] there results a growth in its ability to wonder, to understand, to contemplate, to make personal judgments, and to develop a religious, moral, and social sense." This enables them to acquire or, if they have already done so, to deepen a Christian way of life that is authentic. They should realize the responsibility of their professional life, the enthusiasm of being the trained `leaders' of tomorrow, of being witnesses to Christ in whatever place they may exercise their profession.

24. Directors and administrators in a Catholic university promote the constant growth of the univer-

sity and its community through a leadership of service; the dedication and witness of the non-academic staff are vital for the identity and life of the university.

25. Many Catholic universities were founded by religious congregations and continue to depend on their support; those religious congregations dedicated to the apostolate of higher education are urged to assist these institutions in the renewal of their commitment, and to continue to prepare religious men and women who can positively contribute to the mission of a Catholic university.

Laypeople have found in university activities a means by which they too could exercise an important apostolic role in the church and, in most Catholic universities today, the academic community is largely composed of laity; in increasing numbers, lay men and women are assuming important functions and responsibilities for the direction of these institutions. These lay Catholics are responding to the church's call "to be present, as signs of courage and intellectual creativity, in the privileged places of culture, that is, the world of education—school and university." The future of Catholic universities depends to a great extent on the competent and dedicated service of lay Catholics. The church sees their developing presence in these institutions both as a sign of hope and as a confirmation of the irreplaceable lay vocation in the church and in the world, confident that laypeople will, in the exercise of their own distinctive role, "illumine and organize these (temporal) affairs in such a way that they always start out, develop, and continue according to Christ's mind, to the praise of the Creator and the Redeemer."

26. The university community of many Catholic institutions includes members of other Churches, ecclesial communities and religions, and also those who profess no religious belief. These men and women offer their training and experience in furthering the various academic disciplines or other university tasks.

3. *The Catholic University in the Church*

27. Every Catholic university, without ceasing to be a university, has a relationship to the church that is essential to its institutional identity. As such, it participates most directly in the life of the local church in which it is situated; at the same time, because it is an academic institution and therefore a part of the international community of scholarship and inquiry, each institution participates in and contributes to the life and the mission of the universal church, assuming consequently a special bond with the Holy See by reason of the service to unity which it is called to render to the whole church. One consequence of its essential relationship to the church is that the institutional fidelity of the university to the Christian message includes a recognition of and adherence to the teaching authority of the church in matters of faith and morals. Catholic members of the university community are also called to a personal fidelity to the church with all that this implies. Non-Catholic members are required to respect the Catholic character of the university, while the university in turn respects their religious liberty.

28. Bishops have a particular responsibility to promote Catholic universities, and especially to promote and assist in the preservation and strengthening of their Catholic identity, including the protection of their Catholic identity in relation to civil authorities. This will be achieved more effectively if close personal and pastoral relationships exist between university and church authorities characterized by mutual trust, close and consistent cooperation and continuing dialogue. Even when they do not enter directly into the internal governance of the university, bishops "should be seen not as external agents but as participants in the life of the Catholic University."

29. The church, accepting "the legitimate autonomy of human culture and especially of the sciences," recognizes the academic freedom of scholars in each discipline in accordance with its own principles and proper methods, and within the confines of the truth and the common good.

Theology has its legitimate place in the university alongside other disciplines. It has proper principles and methods which define it as a branch of knowledge. Theologians enjoy this same freedom so long as they are faithful to these principles and methods.

Bishops should encourage the creative work of theologians. They serve the church through research done in a way that respects theological method. They seek to understand better, further develop and more effectively communicate the meaning of Christian revelation as transmitted in Scripture and tradition and in the church's magisterium. They also investigate the ways in which theology can shed light on specific questions raised by contemporary culture. At the same time, since theology seeks an understanding of revealed truth whose authentic interpretation is entrusted to the bishops of the church, it is intrinsic to the principles and methods of their research and teaching in their academic discipline that theologians respect the authority of the bishops and assent to Catholic doctrine according to the degree of authority with which it is taught. Because of their interrelated roles, dialogue between bishops and theologians is essential; this is especially true today, when the results of research are so quickly and so widely communicated through the media.

B. THE MISSION OF SERVICE OF A CATHOLIC UNIVERSITY

30. The basic mission of a university is a continuous quest for truth through its research, and the preservation and communication of knowledge for the good of society. A Catholic university participates in this mission with its own specific characteristics and purposes.

1. Service to Church and Society

31. Through teaching and research, a Catholic university offers an indispensable contribution to the church. In fact, it prepares men and women who, inspired by Christian principles and helped to live their Christian vocation in a mature and responsible manner, will be able to assume positions of responsibility in the church. Moreover, by offering the results of its scientific research, a Catholic university will be able to help the church respond to the problems and needs of this age.

32. A Catholic university, as any university, is immersed in human society; as an extension of its service to the church, and always within its proper competence, it is called on to become an ever more effective instrument of cultural progress for individuals as well as for society. Included among its research activities, therefore, will be a study of serious contemporary problems in areas such as the dignity of human life, the promotion of justice for all, the quality of personal and family life, the protection of nature, the search for peace and political stability, a more just sharing in the world's resources, and a new economic and political order that will better serve the human community at a national and international level. University research will seek to discover the roots and causes of the serious problems of our time, paying special attention to their ethical and religious dimensions.

If need be, a Catholic university must have the courage to speak uncomfortable truths which do not please public opinion, but which are necessary to safeguard the authentic good of society.

33. A specific priority is the need to examine and evaluate the predominant values and norms of modern society and culture in a Christian perspective, and the responsibility to try to communicate to society those ethical and religious principles which give full meaning to human life. In this way a university can contribute further to the development of a true Christian anthropology, founded on the person of Christ, which will bring the dynamism of the creation and redemption to bear on reality and on the correct solution to the problems of life.

34. The Christian spirit of service to others for the promotion of social justice is of particular importance for each Catholic university, to be shared by its teachers and developed in its students. The church is firmly committed to the integral growth of all men and women. The Gospel, interpreted in the social teachings of the church, is an urgent call to promote "the development of those peoples who are striving to escape from hunger, misery, endemic diseases and ignorance; of those who are looking for a wider share in the benefits of civilization and a more active improvement of their human qualities; of those who are aiming purposefully at their complete fulfillment." Every Catholic university feels responsible to contribute concretely to the progress of the society within which it works: For example it will be capable of searching for ways to make university education accessible to all those who are able to benefit from it, especially the poor or members of minority groups who customarily have been deprived of it. A Catholic university also has the responsibility, to the degree that it is able, to help to promote the development of the emerging nations.

35. In its attempts to resolve these complex issues that touch on so many different dimensions of human life and of society, a Catholic university will insist on cooperation among the different academic disciplines, each offering its distinct contribution in the search for solutions; moreover, since the economic and personal resources of a single institution are limited, cooperation in common research projects among Catholic universities, as well as with other private and governmental institutions, is imperative. In this regard, and also in what pertains to the other fields of the specific activity of a Catholic university, the role played by various national and international associations of Catholic universities is to be emphasized. Among these associations the mission of the International Federation of Catholic Universities, founded by the Holy See, is particularly to be remembered. The Holy See anticipates further fruitful collaboration with this federation.

36. Through programs of continuing education offered to the wider community, by making its scholars available for consulting services, by taking advantage of modern means of communication, and in a variety of other ways, a Catholic university can assist in making the growing body of human knowledge and a developing understanding of the faith available to a wider public, thus expanding university services beyond its own academic community.

37. In its service to society, a Catholic university will relate especially to the academic, cultural and scientific world of the region in which it is located. Original forms of dialogue and collaboration are to be encourage between the Catholic universities and the other universities of a nation on behalf of development, of understanding between cultures, and of the defense of nature in accordance with an awareness of the international ecological situation.

Catholic universities join other private and public institutions in serving the public interest through higher education and research; they are one among the variety of different types of institutions that are necessary for the free expression of cultural diversity, and they are committed to the promotion of solidarity and its meaning in society and in the world. Therefore they have the full right to expect that civil society and public authorities will recognize and defend their institutional autonomy and academic freedom; moreover, they have the right to the financial support that is necessary for their continued existence and development.

2. *Pastoral Ministry*

38. Pastoral ministry is that activity of the university which offers the members of the university community an opportunity to integrate religious and moral principles with their academic study and non-academic activities, thus integrating faith with life. It is part of the mission of the church within the university, and is also a constitutive element of a Catholic university itself, both in its structure and in its life. A university community concerned with promoting the institution's Catholic character will be conscious of this pastoral dimension and sensitive to the ways in which it can have an influence on all university activities.

39. As a natural expression of the Catholic identity of the university, the university community should give a practical demonstration of its faith in its daily activity, with important moments of reflection and of prayer. Catholic members of this community will be offered opportunities to assimilate Catholic teaching and practice into their lives and will be encouraged to participate in the celebration of the sacraments, especially the eucharist as the most perfect act of community worship. When the academic community includes members of other churches, ecclesial communities or religions, their initiatives for reflection and prayer in accordance with their own beliefs are to be respected.

40. Those involved in pastoral ministry will encourage teachers and students to become more aware of their responsibility towards those who are suffering physically or spiritually. Following the example of Christ, they will be particularly attentive to the poorest and to those who suffer economic, social, cultural or religious injustice. This responsibility begins within the academic community, but it also finds application beyond it.

41. Pastoral ministry is an indispensable means by which Catholic students can, in fulfillment of their baptism, be prepared for active participation in the life of the church; it can assist is developing and nurturing the value of marriage and family life, fostering vocations to the priesthood and religious life, stimulating the Christian commitment of the laity and imbuing every activity with the spirit of the Gospel. Close cooperation between pastoral ministry in a Catholic university and the other activities within the local church, under the guidance or with the approval of the diocesan bishop, will contribute to their mutual growth.

42. Various associations or movements of spiritual and apostolic life, especially those developed specifically for students, can be of great assistance in developing the pastoral aspects of university life.

3. *Cultural Dialogue*

43. By its very nature, a university develops culture through its research, helps to transmit the local culture to each succeeding generation through its teaching, and assists cultural activities through its educational services. It is open to all human experience and is ready to dialogue with and learn from any culture. A Catholic university shares in this, offering the rich experience of the church's own culture. In addition, a Catholic university, aware that human culture is open to revelation and transcendence, is also a primary and privileged place for a fruitful dialogue between the Gospel and culture.

44. Through this dialogue a Catholic university assists the church, enabling it to come to a better knowledge of diverse cultures, discern their positive and negative aspects, to receive their authentically human contributions, and to develop means by which it can make the faith better understood by men and women of a particular culture. While it is true that the Gospel cannot be identified with any particular culture and transcends all cultures, it is also true that "the kingdom which the Gospel proclaims is lived by men and women who are profoundly linked to a culture, and the building up of the kingdom cannot avoid borrowing the elements of human culture or cultures." "A faith that places itself on the margin of what is human, of what is therefore culture, would be a faith unfaithful to the fullness of what the word of God manifests and reveals, a decapitated faith, worse still, a faith in the process of self-annihilation."

45. A Catholic university must become more attentive to the cultures of the world of today, and to the various cultural traditions existing within the church in a way that will promote a continuous and profitable dialogue between the Gospel and modern society. Among the criteria that characterize the values of a culture are above all, the meaning of the human person, his or her liberty, dignity, sense of responsibility, and openness to the transcendent. To a respect for persons is joined the preeminent value of the family, the primary unit of every human culture.

Catholic universities will seek to discern and evalu-

ate both the aspirations and the contradictions of modern culture, in order to make it more suited to the total development of individuals and peoples. In particular, it is recommended that by means of appropriate studies, the impact of modern technology and especially of the mass media on persons, the family, and the institutions and whole of modern culture be studied deeply. Traditional cultures are to be defended in their identity, helping them to receive modern values without sacrificing their own heritage, which is a wealth for the whole of the human family. Universities, situated within the ambience of these cultures, will seek to harmonize local cultures with the positive contributions of modern cultures.

46. An area that particularly interests a Catholic university is the dialogue between Christian thought and the modern sciences. This task requires persons particularly well versed in the individual disciplines and who are at the same time adequately prepared theologically, and who are capable of confronting epistemological questions at the level of the relationship between faith and reason. Such dialogue concerns the natural sciences as much as the human sciences which posit new and complex philosophical and ethical problems. The Christian researcher should demonstrate the way in which human intelligence is enriched by the higher truth that comes from the Gospel: "The intelligence is never diminished, rather, it is stimulated and reinforced by that interior fount of deep understanding that is the word of God, and by the hierarchy of values that results from it . . . . In its unique manner, the Catholic university helps to manifest the superiority of the spirit, that can never, without the risk of losing its very self, be placed at the service of something other than the search for truth."

47. Besides cultural dialogue, a Catholic university, in accordance with its specific ends, and keeping in mind the various religious-cultural contexts, following the directives promulgated by competent ecclesiastical authority, can offer a contribution to ecumenical dialogue. It does so to further the search for unity among all Christians. In inter-religious dialogue it will assist in discerning the spiritual values that are present in the different religions.

4. Evangelization

48. The primary mission of the church is to preach the Gospel in such a way that a relationship between faith and life is established in each individual and in the socio-cultural context in which individuals live and act and communicate with one another. Evangelization means "bringing the good news into all the strata of humanity, and through its influence transforming humanity from within and making it new . . . . It is a question not only for preaching the Gospel in ever wider geographic areas or to ever greater numbers of people, but also of affecting and, as it were, upsetting, through the power of the Gospel, humanity's criteria of judgement, determining values, points of interest, lines of thought, sources of inspiration and models of life, which are in contrast with the word of God and the plan of salvation."

49. By its very nature, each Catholic university makes an important contribution to the church's work of evangelization. It is a living institutional witness to Christ and his message, so vitally important in cultures marked by secularism, or where Christ and his message are still virtually unknown. Moreover, all the basic academic activities of a Catholic university are connected with and in harmony with the evangelizing mission of the church: research carried out in the light of the Christian message which puts new human discoveries at the service of individuals and society; education offered in a faith-context that forms men and women capable of rational and critical judgement and conscious of the transcendent dignity of the human person; professional training that incorporates ethical values and a sense of service to individuals and to society; the dialogue with culture that makes the faith better understood, and the theological research that translates the faith into contemporary language. "Precisely because it is more and more conscious of its salvific mission in this world, the church wants to have these centers closely connected with it; it wants to have them present and operative in spreading the authentic message of Christ."

II. GENERAL NORMS

Article 1. The Nature of these General Norms

1. These general norms are based on, and are a further development of, the Code of Canon Law and the complementary church legislation, without prejudice to the right of the Holy See to intervene should this become necessary. They are valid for all Catholic universities and other Catholic institutes of higher studies throughout the world.

2. The general norms are to be applied concretely at the local and regional levels by episcopal conferences and other assemblies of Catholic hierarchy in conformity with the Code of Canon Law and complementary church legislation, taking into account the statutes of each university or institute and, as far as possible and appropriate, civil law. After review by the Holy See, these local or regional "ordinances" will be valid for all Catholic Universities and other Catholic institutes of higher studies in the region, except for ecclesiastical universities and faculties. These latter institutions, including ecclesiastical faculties which are part of a Catholic university, are gov-

erned by the norms of the apostolic constitution *Sapientia Christiana*.

3. A university established or approved by the Holy See, by an episcopal conference or another assembly of Catholic hierarchy, or by a diocesan bishop is to incorporate these general norms and their local regional applications into its governing documents, and conform its existing statutes both to the general norms and to their applications, and submit them for approval to the competent ecclesiastical authority. It is contemplated that other Catholic universities, that is, those not established or approved in any of the above ways, with the agreement of the local ecclesiastical authority, will make their own the general norms and their local and regional applications, internalizing them into their governing documents, and, as far as possible, will conform their existing statutes both to these general norms and to their applications.

Article 2. The Nature of a Catholic University

1. A Catholic university, like every university, is a community of scholars representing various branches of human knowledge. It is dedicated to research, to teaching, and to various kinds of service in accordance with its cultural mission.

2. A Catholic university, as Catholic, informs and carries out its research, teaching, and all other activities with Catholic ideals, principles and attitudes. It is linked with the church either by a formal, constitutive and statutory bond or by reason of an institutional commitment made by those responsible for it.

3. Every Catholic university is to make known its Catholic identity, either in a mission statement or in some other appropriate public document, unless authorized otherwise by the competent ecclesiastical authority. The university, particularly through its structure and its regulations, is to provide means which will guarantee the expression and the preservation of this identity in a manner consistent with Section 2.

4. Catholic teaching and discipline are to influence all university activities, while the freedom of conscience of each person is to be fully respected. Any official action or commitment of the university is to be in accord with its Catholic identity.

5. A Catholic university possesses the autonomy necessary to develop its distinctive identity and pursue its proper mission. Freedom in research and teaching is recognized and respected according to the principles and methods of each individual discipline, so long as the rights of the individual and of the community are preserved within the confines of the truth and the common good.

Article 3. The Establishment of a Catholic University

1. A Catholic university may be established or approved by the Holy See, by an episcopal conference or another assembly of Catholic hierarchy, or by a diocesan bishop.

2. With the consent of the diocesan bishop, a Catholic university may also be established by a religious institute or other public juridical person.

3. A Catholic university may also be established by other ecclesiastical or lay persons; such a university may refer to itself as a Catholic university only with the consent of the competent ecclesiastical authority, in accordance with the conditions upon which both parties shall agree.

4. In the cases of Sections 1 and 2, the statutes must be approved by the competent ecclesiastical authority.

Article 4. The University Community

1. The responsibility for maintaining and strengthening the Catholic identity of the university rests primarily with the university itself. While this responsibility is entrusted principally to university authorities (including, when the positions exist, the chancellor and/or a board of trustees or equivalent body), it is shared in varying degrees by all members of the university community, and therefore calls for the recruitment of adequate university personnel, especially teachers and administrators, who are both willing and able to promote that identity. The identity of a Catholic university is essentially linked to the quality of its teachers and to respect for Catholic doctrine. It is the responsibility of the competent authority to watch over these two fundamental needs in accordance with what is indicated in canon law.

2. All teachers and all administrators, at the time of their appointment, are to be informed about the Catholic identity of the institution and its implications, and about their responsibility to promote, or at least to respect, that identity.

3. In ways appropriate to the different academic disciplines, all Catholic teachers are to be faithful to, and all other teachers are to respect, Catholic doctrine and morals in their research and teaching. In particular, Catholic theologians, aware that they fulfill a mandate received from the church, are to be faithful to the magisterium of the church as the authentic interpreter of sacred Scripture and sacred tradition.

4. Those university teachers and administrators who belong to other churches, ecclesial communities, or religions, as well as those who profess no religious belief, and also all students, are to recognize and respect the distinctive Catholic identity of the university. In order not to endanger the Catholic identity of

the university or institute of higher studies, the number of non-Catholic teachers should not be allowed to constitute a majority within the institution, which is and must remain Catholic.

5. The education of students is to combine academic and professional development with formation in moral and religious principles and the social teachings of the church; the program of studies for each of the various professions is to include an appropriate ethical formation in that profession. Courses in Catholic doctrine are to be made available to all students.

Article 5. The Catholic University within the Church

1. Every Catholic university is to maintain communion with the universal church and the Holy See; it is to be in close communion with the local church and in particular with the diocesan bishops of the region or nation in which it is located. In ways consistent with its nature as a university, a Catholic university will contribute to the church's work of evangelization.

2. Each bishop has a responsibility to promote the welfare of the Catholic universities in his diocese and has the right and duty to watch over the preservation and strengthening of their Catholic character. If problems should arise concerning this Catholic character, the local bishop is to take the initiatives necessary to resolve the matter, working with the competent university authorities in accordance with established procedures and, if necessary, with the help of the Holy See.

3. Periodically, each Catholic university to which Article 3, Section 1 and 2 refers is to communicate relevant information about the university and its activities to the competent ecclesiastical authority. Other Catholic universities are to communicate this information to the bishop of the diocese in which the principal seat of the institution is located.

Article 6. Pastoral Ministry

1. A Catholic university is to promote the pastoral care of all members of the university community, and to be especially attentive to the spiritual development of those who are Catholics. Priority is to be given to those means which will facilitate the integration of human and professional education with religious values in the light of Catholic doctrine, in order to unite intellectual learning with the religious dimension of life.

2. A sufficient number of qualified people—priests, religious, and lay persons—are to be appointed to provide pastoral ministry for the university community, carried on in harmony and cooperation with the pastoral activities of the local church under the guidance or with the approval of the diocesan bishop. All members of the university community are to be invited to assist the work of pastoral ministry, and to collaborate in its activities.

Article 7. Cooperation

1. In order better to confront the complex problems facing modern society, and in order to strengthen the Catholic identity of the institutions, regional, national and international cooperation is to be promoted in research, teaching, and other university activities among all Catholic universities, including ecclesiastical universities and faculties. Such cooperation is also to be promoted between Catholic universities and other universities, and with other research and educational institutions, both private and governmental.

2. Catholic universities will, when possible and in accord with Catholic principles and doctrine, cooperate with government programs and the programs of other national and international organizations on behalf of justice, development and progress.

TRANSITIONAL NORMS

Article 8

The present constitution will come into effect on the first day of the academic year 1991.

Article 9

The application of the constitution is committed to the Congregation for Catholic Education, which has the duty to promulgate the necessary directives that will serve toward that end.

Article 10

It will be the competence of the Congregation for Catholic Education, when with the passage of time circumstances require it, to propose changes to be made in the present constitution in order that it may be adapted continuously to the needs of Catholic universities.

Article 11

Any particular laws or customs presently in effect that are contrary to this constitution are abolished. Also, any privileges granted up to this day by the Holy See whether to physical or moral persons that are contrary to this present constitution are abolished.

CONCLUSION

The mission that the church, with great hope, entrusts to Catholic universities holds a cultural and religious meaning of vital importance because it concerns the very future of humanity. The renewal requested to Catholic universities will make them better able to respond to the task of bringing the message

of Christ to man, to society, to various cultures: "Every human reality, both individual and social, has been liberated by Christ: persons, as well as the activities of men and women, of which culture is the highest and incarnate expression. The salvific action of the church on cultures is achieved, first of all, by means of persons, families and educators . . . . Jesus Christ, our Saviour, offers his light and his hope to all those who promote the sciences, the arts, letters and the numerous fields developed by modern culture. Therefore, all the sons and daughters of the church should become aware of their mission and discover how the strength of the Gospel can penetrate and regenerate the mentalities and dominant values that inspire individual cultures, as well as the opinions and mental attitudes that are derived from it."

It is with fervent hope that I address this document to all the men and women engaged in various ways in the significant mission of Catholic higher education.

Beloved brothers and sisters, my encouragement and my trust go with you in your weighty daily task that becomes ever more important, more urgent and necessary on behalf of evangelization for the future of culture and of all cultures. The church and the world have great need of your witness and of your capable, free, and responsible contribution.

Given in Rome, at Saint Peter's, on August 15, the Solemnity of the Assumption of the Blessed Virgin Mary into heaven, in the year 1990, the twelfth of the pontificate.

Pope John Paul II

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1. Cf.. The letter of Pope Alexander IV to the University of Paris, April 14, 1255, Introduction, *Bullarium Diplomatrum...*, Vol. 3, (Turin 1858), p. 602.

2. St. Augustine, *Confessions*, X, xxiii, 33, "In fact, the blessed life consists in *the joy that comes from the truth*, since this joy comes from you who are truth, God my light, salvation of my face, my God," *Pastrologia Latina* 32, pp. 793-794. Cf. St. Thomas Aquinas, *De Malo*, IX, 1: "It is actually natural to man to strive for knowledge of the truth."

3. John Paul II, Discourse to the Catholic Institute of Paris, June 1, 1980: *Insegnamenti di Giovanni Paolo II*, Vol. 3/1 (1980), p. 1581.

4. John Paul II, Discourse to the Cardinals, Nov. 10, 1979: *Insegnamenti di Giovanni Paolo II*, Vol. 2/2 (1979), p. 1096; cf. Discourse to UNESCO, Paris, June 2, 1980: Acta Apostolicae Sedia 72 (1980), pp. 735-752.

5. Cf. John Paul II, Discourse to the University of Coimbra, May, 15, 1982: *Insegnamenti di Giovanni Paolo II*, Vol. 5/2 (1982), p. 1692.

6. Paul VI, Allocution to Representatives of States, October 4, 1965: *Insegnamenti di Paolo VI*, Vol. 3 (1965), p. 508.

7. Cardinal John Henry Newman, *The Idea of a University*, (London: Longmans, Green and Company, 1931), p. XI.

8. *Jn.* 14:6.

9. Cf. st. Augustine, *Sterm.* 43, 9: PL 38, 258. Cf. also St. Anselm, *Proslegion*, Ch. I: PL 158, p. 227.

10. Cf. John Paul II, Allocution to the International Congress on catholic Universities, April 25, 1989, No. 3: AAS 18 (1989), p. 1218.

11. Ibid., *Sapientia Christiana*, apostolic constitution concerning the ecclesiastical universities and faculties, April 15, 1979: AAS 17 (1979), pp. 469-521.

12. Vatican Council II, Declaration on catholic Education *Gravissimum Educationis*, 10: AAS 58 (1966), p. 737.

13. Mt. 13:52

14. Cf. *The Magna Carta of the European Universities*, Bologna, Italy, September 18, 1988, "Fundamental Principles."

15. Cf. Vatican Council II, Pastoral Constitution on the Church in the Modern World *Gaudium et Spes*, 59: AAS 58 (1966), p. 1080; *Gravissimum Educationis*, 10: AAS 58 (1966), p. 737. *Institutional autonomy* means that the governance of an academic institution is and remains internal to the institution; *academic freedom* is the guarantee given to those involved in teaching and research that, within their specific specialized branch of knowledge and according to the methods proper to that specific area, they may search for the truth wherever analysis and evidence lead them, and may teach and publish the results of this search, keeping in mind the cited criteria, that is, safeguarding the rights of the individual and of society within the confines of the truth and the common good.

16. There is a two-fold notion of *culture* used in the document: the *humanistic* and the *socio-historical*. "The word *culture* in its general sense indicates all those factors by which man refine and unfolds his manifold spiritual and bodily qualities. It means his effort to bring the world itself under his control by his knowledge and his labor. It includes the fact that by improving customs and institutions he renders social life more human both within the family and in the civic community. Finally, it is a feature of culture that throughout the course of time man expresses, communicates, and conserves in his works great spiritual experiences and desires, so that these may be of advantage to the progress of many, even of the whole human family. Hence it follows that human culture necessarily has a historical and social aspect and that the word culture often takes on a sociological and ethnological sense' *Gaudium et Spes*, 53.

17. "The Catholic University in the Modern World," final document of the Second International Congress of Delegates of Catholic Universities, rome, Nov. 20-29, 1972, Sec. 1.

18. Ibid.

19. John Paul II, Allocution to the International Congress of catholic Universities. CF. also *Gaudium et Spes*, 61. Cardinal Newman observes that a university "professes to assign to each study which it receives, its proper place and its just boundaries; to define the rights, to establish the mutual relations and to effect the intercommunion of one and all" (*The Idea of a University*, p. 457).

20. *Gaudium et Spes*, 36. to a group of scientists I pointed out that "while reason and faith surely represents two distinct orders of knowledge, each autonomous with regard to its own methods, the two must finally converge in the discovery of a single whole reality which has its origin in God" (John Paul II, Address at the Meeting on Galileo, May 9, 1983, No. 3: AAS 75 (1983), p. 690).

21. John Paul II, Address at UNESCO, 22, The last part of the quotation uses words directed to the Pontifical Academy of Sciences, Nov. 10, 1979: *Insegnamenti di Giovanni Paolo II*, Vol. 2/2 (1979), p. 1109.

22. Cf. *Gravissimum Educationis*, 10.

23. *Gaudium et Spes*, 59. Cardinal Newman describes the ideal to be sought in this way: "A habit of mind is formed which lasts through life, of which the attributes are freedom, equitableness, calmness, moderation and wisdom" (*The Idea of a University*, pp. 101-102).

24. John Paul II, apostolic exhortation *Christifideles Laici*, Dec. 30, 1988, No. 44: AAS 81 (1989), p. 479.

25. Vatican Council II, Dogmatic Constitution on the Church *Lumen Gentium*, 31: AAS 57 (1965), pp. 37038. Cf. Decree on the Apostolate of the Laity *Apostolican Actuositatem, passim*: AAS 58 (1966), pp. 837 ff. Cf. also *Gaudium et Spes*, 43.

26. Cf. ibid., Declaration on Religious Liberty *Dignitatis Humanae*, 2: AAS 58 (1966), pp. 930-931.

27. John Paul II, Address to Leaders of Catholic Higher Education, Xavier University of Louisiana, September 12, 1987, No. 4: AAS 80 (1988), p. 764.

28. *Gaudium et Spes*, 59.

29. Cf. Vatican Council II, Dogmatic Constitution on Divine Revelation *Dei Verbum*, Nos. 8-10: AAS 58 (1966), pp. 820-822.

30. Cf. *Lumen Gentium*, 25.

31. Cf. Congregation for the Doctrine of the Faith, Instruction on the Ecclesial Vocation of the Theologian, May 24, 1990.

32. Cf. John Paul II, encyclical *Sollicitudo Rei Socialis*, 27-34: AAS 80 (1988), pp. 547-560.

33. Paul VI, encyclical *Populorum Progressio*, 1: AAS 59 (1967), p. 257.

34. "Therefore, in that there has been a pleasing multiplication of centers of higher learning, it has become apparent that it would be opportune for the faculty and the alumni to unite in common association which, working in reciprocal understanding and close collaboration, and based upon the authority of the supreme pontiff, as father and university doctor, they might more efficaciously spread and extend the light of Christ" (Pius XII, apostolic letter *Catholicas Studiorum Universitates*, with which the International Federation of Catholic Universities was established: AAS 42 (1950), p. 386).

35. The Code of Canon Law indicates the general responsibility of the bishop toward university students: "The diocesan bishop is to have serious pastoral concern for students by erecting a parish for them or by assigning priest for this purpose on a stable basis, he is also to provide for Catholic university centers at universities, even non-Catholic ones, to give assistance, especially spiritual to young people." (Canon 813).

36. "Living in various circumstances during the course of time, the church, too has used in her preaching the discoveries of different cultures to spread and explain the message of Christ to all nations, to probe it and more deeply understand it, and to give it better expression in liturgical celebrations and in the life of the diversified community of the faithful" (*Gaudium et Spes*, 58).

37. Paul VI, apostolic exhortation *Evangelii Nuntiandi*, 20: AAS 68 (1976), p. 18. Cf. *Gaudium et Spes*, 58.

38. John Paul II, Address to Delegates of the International Federation of Catholic Universities, Nov. 27, 1972: AAS 46 (1972), p. 770.

40. Ibid. *Evangelii Nuntiandi*, 18ff.

41. Ibid. Address to Presidents and Rectors of the Universities of the Society of Jesus, August 6, 1975, No. 2: AAS 67 (1975), p. 553. Speaking to the participants of the International Congress on Catholic Universities, April 25, 1989, I added (No. 5): "Within a Catholic university the evangelical mission of the church and the mission of research and teaching become interrelated and coordinated."

42. Cf. in particular the chapter of the code: "Catholic Universities and other Institutes of Higher Studies" (Canon 807-814).

43. Episcopal conferences were established in the Latin rite. Other rites have other assemblies of catholic hierarchy.

44. Cf. Canon 455.2

45. Cf. *Sapientia Christiana*. Ecclesiastical universities and faculties are those that have the right to confer academic degrees by the authority of the Holy See.

46. Cf. *Dignitatis Humanae*, 2.

47. Cf. *Gaudium et Spes*, 57 and 59; *Gravissimum Educationis*, 10.

48. Both the establishment of such a university and the conditions by which it may refer to itself as a Catholic university are to be in accordance with the prescription issued by the Holy see, episcopal conference or other assembly of Catholic hierarchy.

49. Canon 810 of the Code of Canon Law specifies the responsibility of the competent authorities in this area: Section 1: "It is the responsibility of the authority who is competent in accord with the statutes to provide for the appointment of teachers to Catholic universities who, besides their scientific and pedagogical suitability, are also outstanding in their integrity of doctrine and probity of life; when those requisite qualities are lacking they are to be removed from their positions in accord with the procedure set forth in the statutes. Section 2: The conference of bishops and the diocesan bishops concerned have the duty and right of being vigilant that in these universities the principles of Catholic doctrine are faithfully observed." Cf. also Article 5.2 ahead in these norms.

50. *Lumen Gentium*, 25; *Dei Verbum*, 8-10; cf. Canon 812: "It is necessary that those who teach theological disciplines in any institute of higher studies have a mandate from the competent ecclesiastical authority."

51. Cf. Canon 811.2.

52 For universities to which Article 3, Secs 1 and 2 refer, these procedure are to be established in the university statutes approved by the competent ecclesiastical authority; for other Catholic universities, they are to be determined by episcopal conferences or other assemblies of Catholic hierarchy.

53. Cf. Canon 820. Cf. also *Sapientia Christiana*, "norms of application," Article 49.

54. John Paul II, Address to the Pontifical Council for Culture, Jan. 13, 1989, No. 2: AAS 81 (1989), pp. 857-858.

Appendix

Author Index

Current Issues in Catholic Higher Education (Volumes 6,2-11,1)

Agnese, Louis J. "Minority Recruitment: Good Sense, Not Good Deeds." 9,2 (Winter, 1989): 10-12.

Annarelli, James J. "Response." (to William J. Byron, SJ [Summer, 1989]: 23-28) 10,1 (Summer, 1989): 29-31.

Berry, Thomas, CP. "The American College in the Ecological Age." 11,1 (Summer, 1990): 49-57.

Brigham, Frederick A., Jr. "New Horizons for Catholic Universities through Telecommunications." 6,2 (Winter, 1986): 34-35.

Bristol, Joan E. and Jane Nowak. "Self-Esteem: The Foundation for Growth." 10,2 (Winter, 1990): 20-24.

Brown, Dorothy M. "The Role of the President in Student Affairs." 10,2 (Winter, 1990): 25-26.

Burns, J. Patout. "How is the University Catholic?" 8,2 (Winter, 1988): 10-14.

Burrell, David B., CSC. "Beyond `Dissent' and `Academic Freedom'." 8,1 (Summer, 1987): 51-53.

Burtchaell, James Tunstead, CSC. "Catholic Institutions of Higher Learning: Dutiful yet Free in Church and State." 9,1 (Summer, 1988): 19-21.

Byron, William J., SJ. "Disciplined Inquiry: A Catholic Reflection on Academic Freedom." 10,1 (Summer, 1989): 23-28.

Cenkner, William. "Theology and the Magisterium: What Does Athens Have to Say to Jerusalem?" 7,2 (Winter, 1987): 9-12.

Cody, Frank J., SJ. "University of Detroit: Education in the City." 6,2 (Winter, 1986): 28-33.

Cosmos, Spencer. "Community Involvement at The Catholic University of America." 6,2 (Winter, 1986): 9-12.

Curran, R. Emmet, SJ. "A Weight to Our Establishment: Georgetown University and the Republic." 10,1 (Summer, 1989): 14-16.

DeGioia, John J. "The Responsibility of Community: Perceptions on Alcohol and Human Sexuality on Catholic Campuses." 10,2 (Winter, 1990): 11-14.

Ducharme, Robert. "The Need for Open Inquiry at Mount Saint Mary's." 8,2 (Winter, 1988): 24-25.

Egan, John J. "Homily - Stonehill College, Chapel of Mary, 1989." 11,1 (Summer, 1990): 31-32.

Ellis, John Tracy. "The Catholic Church and Her Universities: A View from History." 8,1 (Summer, 1987): 3-9.

Episcopal Conference, Philippines. "What is Happening to Our Beautiful Land." 11,1 (Summer, 1990): 37-41.

Episcopal Conference, Dominican Republic. "Our Relationship with Nature." 11,1 (Summer, 1990): 42-48.

Fitzgerald, Thomas R., SJ. "Academic Freedom—Catholic Scholarship." 9,1 (Summer, 1988): 25.

Foley, Betsy and Stuart Lang. "St. Norbert's Internationalized Curriculum: Preparing Students for the 21st Century." 9,1 (Summer, 1988): 42-46.

Ford, Charles E. "The Next Step for American Catholic Higher Education: The Challenge of the Third Century." 9,1 (Summer, 1988): 22-24.

Forni, Jane. "Hispanics and the Neylan Colleges: The Potential and the Challenge." 9,2 (Winter, 1989): 5-9.

Frei, John Karen, OP. "Minority Education at Barry University." 9,2 (Winter, 1989): 24-27.

Furay, Sally M., RSCJ. "The Hesburgh Award: A Response." 10,1 (Summer, 1989): 35-36.

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